THE

PARLIAMENTARY

DEBATES,

VOL. XVI.

THE

PARLIAMENTARY

DEBATES:

FORMING A CONTINUATION OF THE WORK ENTITLED

"THE PARLIAMENTARY HISTORY OF ENGLAND,

FROM THE EARLIEST PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF

T. C. HANSARD.

New Series;

COMMENCING WITH THE ACCESSION OF GEORGE IV.

VOL. XVI.

COMPRISING THE PERIOD

FROM

THE FOURTEENTH DAY OF NOVEMBER, 1826,

TO

THE TWENTY-SECOND DAY OF MARCH, 1827.

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1827.

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PARLIAMENTARY DEBATES.



Parliamentary Debates

During the FIRST SESSION *of the* EIGHTH PARLIAMENT *of the United Kingdom of* GREAT BRITAIN *and* IRELAND, *appointed to meet at Westminster the* 14*th of November*, 1826, *in the Seventh Year of the Reign of His Majesty King* GEORGE THE FOURTH.

HOUSE OF LORDS.

Tuesday, November 14, 1826.

MEETING OF THE NEW PARLIAMENT.] This being the day appointed for the meeting of the New Parliament, several Peers assembled at two o'clock. Soon after that hour, lord chancellor Eldon, the duke of Wellington, the earl of Westmorland, the earl of Liverpool, and the earl of Harrowby took their seats in front of the Throne, as his Majesty's Commissioners. The Lord Chancellor then directed the Deputy Usher of the Black Rod to proceed to the Commons and summon that House to attend at their Lordships' bar forthwith. The Deputy Usher proceeded accordingly to the House of Commons, and soon after returned, accompanied by the clerks of that House and a considerable number of the members. The Lord Chancellor stated to the Commons, that his Majesty had been pleased to issue a Commission under the great seal, appointing certain lords therein named to open the Parliament; which Commission the clerk would then read.—The Commission having accordingly been read, the Lord Chancellor said, that in obedience to his Majesty's commands, he had to inform the Lords and Gentlemen then in attendance, that as soon as a sufficient number of members of both Houses should be sworn, his Majesty would declare the causes which had induced him to call the parliament together. In the mean time it was his Majesty's pleasure, that the Gentlemen of the House of Commons should return to the place where they usually held their sittings, and there proceed to choose a fit and proper person to be their Speaker; and that they should present the person so chosen at the bar of their Lordships' House to-morrow at two o'clock, for his Majesty's approbation.—The Commons then withdrew, and their Lordships heard prayers. After which, the oaths were taken in the usual form by the Lords present.

HOUSE OF COMMONS.

Tuesday, November 14.

CHOICE OF A SPEAKER.] The members being returned from the House of Peers,

Mr. *Sturges Bourne* rose and said, that it now devolved on the House to proceed to the discharge of a most important duty, namely the election of a member to fill in the ensuing parliament, one of the most honourable, and at the same time one of the most arduous offices, that could be conferred upon an individual in this country—that of Speaker of the House of Commons. Happily, the House had not, upon the present occasion, to encounter the difficulty of selecting from their body any untried member, who might inadequately discharge the duties of that high and arduous office. They possessed a member whom they had already elected to fill the office of their Speaker in three successive parliaments, and the experience of those successive parliaments had abundantly confirmed the wisdom of their

choice. In order duly to estimate the value, and appreciate the advantages of possessing such a member, it was necessary only to reflect on the importance and on the difficulty of the functions which the Speaker of that House was called upon to discharge. It was not talents, however great, nor acquirements, however extensive, which might be derived from the best general education, that could qualify a person for the discharge of the duties of that high office. It required an accurate acquaintance with the details of parliamentary law, a minute knowledge of the usages of parliament, and of the general maxims and rules by which the proceedings of that House were governed, which could be acquired only by patient and laborious investigation, and possessed only by those who had made it the peculiar object of their research; the task of directing the deliberations of that House, and of expressing, on particular occasions, opinions which might give effect and consistency to the form of their proceedings, required, he need not say, no ordinary share of judgment and discrimination. In all these respects, the House required not to be reminded with what distinguished ability the high office of Speaker had been filled by his right hon. friend [hear, hear!]. Besides these more ostensible duties of the office, it was often necessary to repress the extravagancies of debate, and to allay the heats which occasionally arose amidst the ardour and vehemence of public discussion. It was necessary, also, on many occasions, to give advice, assistance, and information, to members of the House, in matters connected with its forms and proceedings; and he need not remind them of the readiness and the ability with which such advice and such information had been uniformly afforded by his right hon. friend. There were other subordinate qualifications, and other personal recommendations, which no man possessed in a more eminent degree than the right hon. gentleman. Among these, he could not but advert with gratification to the uniform courtesy of his manners, and to his dignified hospitality. Nor were those personal qualifications, which enabled his right hon. friend to support with such indefatigable zeal the labours of his office, of light moment, in estimating his claims to the honourable distinction which it conferred. Let it be recollected, that upon the unwearied personal exertions of the Speaker of the House of Commons depended the uninterrupted discharge of the most important public duties; and that the whole business of the state, however urgent, must be suspended, until his place should be supplied. He could not adduce a stronger instance to show the value of his right honourable friend's services, or the importance of those personal qualifications which had enabled him to discharge the duties of his office with such unremitted assiduity and zeal. He need not remind the House how anxiously his right hon. friend had at all times maintained their rights and privileges—how scrupulously he had enforced the forms and regulations of that House—on which those rights and privileges, and with them, the rights and privileges of the people, most essentially depended. Under such circumstances, he doubted not, that the motion which he should now make would be unanimously adopted; he doubted not that when his right hon. friend should be again placed in the Chair, he would discharge its duties with the zeal and ability he had ever displayed, and that the House would give to his authority an uniform and effective support. The recorded opinion of three successive parliaments had rendered it superfluous to bear further testimony to the distinguished merits of his right hon. friend; he should, therefore, without trespassing any longer on the time of the House conclude with moving, "That the right honourable Charles Manners Sutton do take the Chair of this House as Speaker."

Mr. *Portman*, in rising to second the motion, said, he was sensible that the feeling of the House was so entirely with the right hon. gentleman who had just been proposed to fill the office of Speaker, that it was unnecessary for him to occupy much of the attention of the House, or to add any thing to the eulogium which had been so justly pronounced by the right hon. mover. He was aware, indeed, that it had been the usage both for the mover and seconder, on these occasions, to make some observations on the nature, and the important duties, of the office. It would ill become him, however, to address any observations of that kind to members who had long sat in that House; and members who had now, for the first time, taken their seats in it, must, as English gentlemen, be so well acquainted with the arduous nature of the office of Speaker, and with

the qualifications requisite for its efficient discharge, that it would be equally unnecessary to address any observations on the subject to that portion of the House. He might, perhaps, be allowed to say, that it was an office which required not only great talents—not only strict integrity—not only the most perfect impartiality in the person called to discharge its functions—but that the House further expected to find in that person a temper not to be ruffled, a judgment not to be shaken, and a resolution to maintain, to the best of his abilities, the rights and privileges of the Commons of England, and to preserve order and dignity in their proceedings. In an assembly such as that which he now addressed, in which so much brilliant talent and splendid ability was to be found on all sides, it might, in any common time, or under any ordinary circumstances, be difficult to point out any one member more qualified than another to fill the Chair; and, under such circumstances, he should be the last man in the world who would presume to press his opinion upon the House on so important an occasion. He was now, however, able to congratulate the House on a selection which met with their unanimous concurrence; for the finger of experience pointed out to them the right hon. gentleman, who had for many successive years filled the office, and who had shewn himself possessed of integrity, of impartiality, and of temper—of judgment to discern what was right, and of resolution to enforce his decisions. He felt that it would be presumptuous in him to occupy any longer the time of the House, and that he ought rather to apologise for having detained them so long from the gratification of adopting, as he was sure they would adopt with one voice of acclamation, the proposition, "that the right hon. Charles Manners Sutton should take the Chair of that House."

Mr. *Manners Sutton* rose and said, that he felt his inability to express, as he ought, the thanks which he owed to his right hon. friend who proposed, and to his hon. friend, the member for Dorsetshire, who seconded, the motion; still less could he hope to be able to express the obligation and the gratitude which he owed to that House, for the cordial manner in which they had received it. To be elevated to that Chair, had been the first object of his ambition, and as long as his health and strength continued, it would continue to be that first object. He could assure the House, with the strictest truth, that it had been the greatest object of all his endeavours, while in that Chair, to justify their choice by faithfully discharging his duties to them and to the public. The reception which the motion of his right hon. friend had met with from the House, and the testimonies of their satisfaction—as far as his abilities could produce satisfaction—at the result of his exertions, were the best and proudest rewards of any services which he might have performed. His right hon. friend, and his hon. friend the member for Dorsetshire, had both remarked upon the difficulty and importance of the duties attached to the office, and both had given him credit, in the warmth of friendship, for personal qualifications, which he was conscious he did not possess. He relied not, however, upon his own strength, but upon the cordial support of that House; and as he might hope to carry with him the same good opinion and cordial co-operation—as he might look forward to a continuance of the same favour and indulgence, which had been so abundantly extended to him during three parliaments, he submitted himself, without hesitation, most respectfully to their judgment and decision.

The motion having been unanimously carried, amidst the cheers of the House, the right hon. gentleman was conducted to the Chair, by the mover and seconder, where, standing on the upper step,

The *Speaker* said:—I beg most respectfully to express my acknowledgments to the House for this renewal of their countenance. They shall find me diligent, zealous, and impartial in the discharge of the duties which have devolved upon me. I have not the arrogance to presume, that, unassisted, I am equal to the task; but I implore of the House to correct me when I am wrong, to support me when I am right; and I pledge myself to make every exertion my powers can command to merit the renewal of that sanction and protection which, for three parliaments I have had the good fortune to obtain.

Mr. *Wynn*, in rising to move the adjournment of the House, said, he could not forbear expressing his congratulations, both to his right hon. friend who had just taken the Chair, and to the House. He congratulated the right hon. gentleman on having received the highest reward

which his services could obtain in the unanimous approbation of that House, and he congratulated the House on the choice they had made, since the arduous and laborious situation to which his right hon. friend had been elevated, was filled by a gentleman whose impartiality had never been questioned, even in the most stormy sessions, and whose patience, temper, and courtesy had been equally experienced and approved by all. This was a subject on which he could dilate with great pleasure to himself; but the topics suggested by it had been so ably touched upon by the mover and seconder, that he felt it unnecessary to occupy the time of the House by the expression of feelings in which he was sure every member of that House participated.

Sir *Joseph Yorke* congratulated the House on the selection they had made, and would only express his hope, that every man who took office in the House, might enter upon it with as much integrity as the right hon. gentleman in the Chair.

The House then adjourned.

HOUSE OF LORDS.

Wednesday, November 15.

The Lords Commissioners having taken their seat on the wool-sack, the deputy usher of the Black Rod was sent to the House of Commons to desire their attendance. Shortly after,

The *Speaker*, followed by a considerable number of members, presented himself at their lordships' bar. The right hon. gentleman then said, that he was commanded by his Majesty's faithful Commons, to inform their lordships that in obedience to his Majesty's commands, they had in the exercise of their ancient and undoubted privilege proceeded to elect a Speaker, and their choice had fallen upon him. For his own part, he could only say, that he was fully aware of the great importance of the situation to which he had been appointed, and was also aware of his many imperfections. If, however, his Majesty should be pleased to disapprove of the choice made by his most faithful Commons, there would be little difficulty in selecting some other person more competent than he was, to fill so arduous and dignified a situation.

The *Lord Chancellor*, in reply to this address, said, that his Majesty was fully sensible of Mr. Speaker's zeal, as also of his ability to fill the high office to which he had been elected. His zeal and ability had been tried and proved in three successive parliaments, and his Majesty fully and readily confirmed the choice made by his faithful Commons.

The *Speaker* then said;—My lords, with all gratitude and respect, I submit to his Majesty's royal pleasure. It therefore becomes my duty, in the name of the Commons of the united kingdom, to claim, by humble petition, all the ancient rights and privileges granted to that branch of the constitution, more especially, freedom of arrest for themselves and their servants; freedom in debate, and freedom of access to his Majesty, on all requisite occasions; and also, that a favourable interpretation may be given to all their proceedings. If any involuntary error should occur on their part, I hope that to me, and not to his majesty's faithful Commons, the blame may be imputed.

The *Lord Chancellor*.—I am commanded by his Majesty to declare his readiness to confirm to his faithful Commons all the rights and privileges that have ever been granted to the Commons by any of his Majesty's royal predecessors: and I am also commanded to inform you, that his Majesty will at all times put the most favourable construction on all the words and actions of his faithful Commons.

The Speaker and the other members of the House of Commons then bowed, and retired.

HOUSE OF COMMONS.

Wednesday, November 15.

The *Speaker* having taken the chair on his return from the House of Peers, said; I have to state to the House, that this House has been in the House of Peers, where the lords, authorized by his Majesty's commission, signified his Majesty's royal approbation and confirmation of me, as the Speaker of this House. I proceeded to lay claim, by humble petition, to all their undoubted rights and privileges, especially those of freedom from arrest for themselves, their servants, and estates; free access to his Majesty when occasion should require, and that all their proceedings should receive the most favourable construction. The lords, authorized by his Majesty's commission, signified his

Majesty's assurance that all those privileges should be granted, and confirmed by him, in as ample a manner as they had ever been confirmed or granted by any of his predecessors. I may now avail myself of this opportunity of again expressing the most thankful acknowledgments for the high honour you have conferred upon me. I know well how to estimate that honour, and I will struggle to deserve it. The House shall find me ever watchful and determined in co-operation with them, for the preservation of our privileges; not ours alone, but the privileges of all the Commons, and I implore of the House to assist me in maintaining a strict attention to all established rules and ordinances, not only as they are essential for the due and convenient despatch of business, but as they are most important safeguards for the property and best interests of the people. I have now to submit to the House, that the proceeding on which we are to enter, is to take and subscribe the oaths and declarations as prescribed by law.

The Speaker himself then took and subscribed the usual oaths and declarations; and was followed by numerous other members.

HOUSE OF LORDS.
Tuesday, November 21.

THE KING'S SPEECH ON OPENING THE SESSION.] This day his Majesty came in state to the House of Peers, and being seated on the Throne, the gentleman usher of the black rod was directed to summon the Commons to attend. The Speaker immediately presented himself at the bar, attended by a great number of members. His Majesty then delivered the following Speech to both Houses:

"My Lords and Gentlemen,

"I have called you together at this time for the special purpose of communicating to you the measure which I judged it necessary to take, in the month of September, for the admission into the ports of the United Kingdom of certain sorts of foreign grain not then admissible by law.

"I have directed a copy of the Order in Council issued on that occasion to be laid before you, and I confidently trust that you will see sufficient reason for giving your sanction to the provisions of that order, and for carrying them into effectual execution.

"I have great satisfaction in being able to inform you, that the hopes entertained at the close of the last session of parliament, respecting the termination of the war in the Burmese territories, have been fulfilled, and that a peace has been concluded in that quarter highly honourable to the British arms, and to the councils of the British government in India.

"I continue to receive from all foreign powers assurances of their earnest desire to cultivate the relations of peace and friendly understanding with me.

"I am exerting myself with unremitting anxiety, either singly or in conjunction with my allies, as well to arrest the progress of existing hostilities as to prevent the interruption of peace in different parts of the world.

"Gentlemen of the House of Commons,

"I have directed the Estimates for the ensuing year to be prepared, and they will, in due time, be laid before you.

"I will take care that they shall be formed with as much attention to economy, as the exigencies of the public service will permit.

"The distress which has pervaded the commercial and manufacturing classes of my subjects, during the last twelve months, has affected some important branches of the Revenue; but I have the satisfaction of informing you, that there has been no such diminution in the internal consumption of the country, as to excite any apprehensions that the great sources of our wealth and prosperity have been impaired.

"My Lords and Gentlemen,

"I have deeply sympathised with the sufferings which have been, for some time past, so severely felt in the manufacturing districts of this country; and I have contemplated with great satisfaction the exemplary patience with which those sufferings have been generally borne.

"The depression under which the trade and manufactures of the country have

been labouring has abated more slowly than I had thought myself warranted in anticipating; but I retain a firm expectation that this abatement will be progressive, and that the time is not distant when, under the blessing of Divine Providence, the commerce and industry of the United Kingdom will have resumed their wonted activity."

His Majesty then retired, and the Commons returned to their House.

ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.] His Majesty's Speech to both Houses having been read by the Lord Chancellor, and also by the reading clerk at the table,

Earl *Cornwallis* rose, and spoke as follows:—My lords, in rising to move an Address of Thanks, I trust I shall meet with that kind indulgence which others, standing in my place, have invariably experienced. For the communication respecting the admission of some descriptions of foreign grain, before the time allowed by law, there can, I should hope, be no objection to thank his Majesty; as it will be no bar to future discussion when the Order in Council shall be laid upon your table. In looking to the East Indies, the termination of the Burmese war affords ample scope for congratulation; as I trust that our vast possessions in that quarter will no longer be exposed to inroads of a similar description. In turning to the continent, it is highly gratifying to be told of the friendly disposition existing there towards this country; which I attribute, in a great measure, to the wise policy which his Majesty's ministers pursued respecting the war between France and Spain. There were two parties—the one the ever faithful supporters of existing abuses; the other, the no less dangerous abettors of revolutionary movements, who were anxious to enlist this country under their banners. Each was telling his Majesty's ministers what tone they should hold, and what position they should take up; but they wisely chose their own position, and that upon neutral ground. The late war will, I trust, be a pretty good lesson to the present, and to all future ministers, not hastily to embark their country in a continental conflict; and it is most satisfactory to be told, that his Majesty, in conjunction with his allies, is endeavouring, not only to arrest the progress of hostilities, but also to put an end to those which already exist. In referring to that part of his Majesty's most gracious Speech which relates to the finances, I see much ground for hope, and none for despondency. During the last eight years, taxes to the amount of twenty-six millions have been repealed, and still the income, up to January, 1826, has been equal to the demand upon it, and since that time the deficiency has been less in each succeeding quarter. In connexion with the distress in the manufacturing districts, I will briefly recur to the internal state of the country at different periods since the conclusion of the late war. The restoration of peace did not at first bring with it its usual blessings, security, and content; but, on the contrary, poverty, distress, and a long train of ills. Our manufactures were diminished, and want of employment had engendered a great degree of dissatisfaction in different classes of the community. Since that period the picture was for a short time most pleasingly reversed; our manufacturers were fully employed; our credit had reached its highest pitch; agriculture, too, was resuming its proper position in the different interests of the country; and that from natural causes, and without any interference of parliament, not that parliament was unwilling to interfere, but that parliament declined interfering, because it could not interfere with effect. This was the state of things, when, owing to a plethora of riches, speculations, which for number, folly and absurdity never were exceeded, produced a panic in the mercantile world, and a run upon all the country, and most of the London, bankers. These, my lords, and not the Corn-bill (though I am no friend to the Corn-bill in its present form), were the real causes of those heart-rending distresses, which have been borne with such exemplary firmness in the manufacturing districts, and which, we are to-day told, from the throne, are, in some degree, abating. This would not have been the case had there been much resemblance between the panic of 1825 and that of 1797. In 1797, disastrous events followed in quick succession: a rebellion in Ireland, a mutiny in the navy, a run upon the Bank, and war in its most appalling aspects:—in 1825, we were in a state of peace, and order

and due submission to the laws prevailed (with very little exception) in every part of the country. I cannot sit down without reminding your lordships of his Majesty's parental anxiety for his people. At an early period of his reign, when every class of the community was suffering from the transition from war to peace, he gave up part of his income for their relief, and what he has done within the last year is too well known to your lordships, and I hope too deeply engraven in the hearts of his subjects to require any comment from me.—The noble earl concluded by moving an Address of Thanks to his Majesty, which was, as usual, an echo of the Speech from the Throne.

Lord *Colville* rose, and spoke as follows:—My lords, in presenting myself to your lordships, for the purpose of seconding the motion which has been made by the noble earl, for an Address of thanks to his Majesty, I cannot but feel how much I shall require that kind and patient indulgence, which you are always disposed to shew to those who, like myself, are little in the habit of addressing you, and who, consequently, must rise under some degree of embarrassment. If I had thought, my lords, that the task I have undertaken was one which required the powers of eloquence to support it, I should have been—as I certainly ought to have been—the last person in your lordships' House to have undertaken it: but such is not my opinion, and I therefore trust, that the motion of the noble earl will not suffer by not having had a more able supporter. Under the present circumstances of the country, I think, my lords, our gratitude is due to his Majesty for having called his parliament together. In regard to the first topic to which the Address alludes—I mean the special purpose for which parliament has been assembled at this time—I trust there can be no difference of opinion, and that your lordships will approve of the conduct pursued by the ministers of the Crown—first, in recommending, on their own responsibility, a measure which I think I may safely assert that circumstances, up to the present hour, have proved the necessity of; and, secondly, in their having had recourse, as speedily as possible, to parliament for that sanction to the measure, which the constitution requires it should have, and to which, in my opinion, it is so justly entitled. I am aware, my lords, that in the measure alluded to, there has necessarily been a departure from the system established by the existing law, but I cannot, for a moment, anticipate any objection to the measure on that account; for, had the Order in Council alluded to, not issued till the quarterly average prices had been obtained, the country could not, whatever distress might have prevailed, have benefitted by the importation of the grain required, at so advanced a season of the year, from the northern ports of Europe.—It certainly does appear to me to be matter of congratulation that peace has been concluded, on terms so honourable and so satisfactory, with the Burmese. Your lordships are well aware that the war against that people, however just and necessary, commenced under circumstances of peculiar difficulty. The little intercourse which had subsisted between Europeans and the Burmese country had afforded hardly any means of obtaining much topographical knowledge of it, and it was soon discovered that, to an invading army, obstacles were opposed of an almost unprecedented nature; added to which, our forces had to contend against an enemy much more powerful than the Burmese themselves, in the effects of the climate of their country, generally considered one of the worst in India. Nevertheless, my lords, it appears by his Majesty's most gracious communication, that these obstacles have all been surmounted; and we have now the satisfaction of knowing that, by the energy of the British government in India, by the zeal, ability, and perseverance, of the commanders of the forces, by land and sea, by the valour and discipline of the officers, troops, and seamen, both British and native, a peace has been concluded, on such terms as seem to ensure the duration of it. This event, combined with the brilliant success of our arms in the capture of the fortress of Bhurtpoor, in the north-western quarter of India, holds out, I trust, reasonable grounds for the hope, that the tranquillity of our Eastern empire will not again be speedily disturbed.—Considering, my lords, how desirable it is, that the nations of Europe should continue to enjoy that repose, still so necessary, after the exertions of a war, unprecedented in its duration, it must be highly satisfactory to your lordships to know, that "his majesty continues to receive from all foreign powers assurances of their earnest desire to cultivate the relations of peace and friendly understanding with his Majesty;" and our

gratitude is due to his Majesty for the exertions, which his Speech, delivered this day from the throne, informs us "his Majesty is making, either singly, or in conjunction with his allies, as well to arrest the progress of hostilities, as to prevent the interruption of peace in different parts of the world." Your lordships will, I am sure, feel grateful to his Majesty for the deep sympathy which he has expressed for the sufferings which have been so severely felt in the manufacturing districts of the kingdom, and it is highly gratifying to know, that "the depression under which the trade and manufactures of our country have been labouring, and which has led to that distress, has, in some degree, abated, and that there is reason to believe that that abatement will be progressive." From a topic which alludes to the sufferings of any class of our fellow-subjects, it is indeed a difficult task to find subject for consolation; yet, my lords, I cannot but think that even there some consolation is to be found: I mean, my lords, in that patience with which those sufferings have been borne; because that patience, and the implicit obedience to the laws, which have been every where observed, afford the strongest proofs, that the operative classes of the kingdom are well aware, that their sufferings do not proceed from causes, which it is in the power of man immediately to remove; and that they entertain a full reliance on receiving all that aid which can be afforded in the paternal anxiety of their sovereign, and in the watchful attention of his ministers to avail themselves of every means that offer towards alleviating their distress. The feverish excitement consequent upon the sudden changes which arose from the transition from war to peace, appears to have subsided, and the illusions which it gave birth to have disappeared. Time and patience will, by the blessing of Providence, soon, I trust, restore our commercial pursuits to their wonted prosperity—that prosperity which has placed our country on the proud eminence on which she stands amidst the surrounding nations of Europe. I shall not, my lords, avail myself of your kindness any longer; but beg to add, that I have the honour to second the motion of the noble earl.

Lord *King* rose to assure their lordships, that he had no objection either to the Address proposed by the noble earl, or to the Speech which his Majesty had delivered that day from the throne. All the fault which he had to find was, that the Speech did not go far enough—that it omitted the most material occurrences. As far as it went, it was good enough, but it did not say enough: it did not describe the real state of the country, and it was therefore his intention to move an Amendment. Their lordships had been told, both in the Speech from the throne, and in the speech of the noble seconder, a great deal about the distress which had prevailed; and this was repeated in the proposed Address, so that it was a seven-times repeated tale. To speak of that deep distress in such a manner was to no purpose. It was not a bit more manly or more useful, than the proclamation published yearly, at every assize town, in the name of his Majesty George 4th. Talking of the distress did no more to relieve it than that proclamation could do. He would rather see some remedial measures; a determination to reduce the expenditure of the country; a determination to diminish the army, to diminish the national burthens, and to get rid of the Corn-laws. It was all *vox et praterea nihil*—mere opiates to lull them asleep, and what parliament wanted was, not opiates, but something to rouse it to examine the state of the country. The beginning of a new parliament was a favourable opportunity to revise their past acts, to repent their manifold sins and transgressions, and to resolve to lead a new life. The last parliament had done something good; but it might have done more, if they had adopted the Corn-bill of the noble earl opposite, and the economy recommended by that side of the House. That parliament did many things it ought not to have done, and it left undone many things it ought to have done. That parliament voted a profligate expenditure, and for that he found fault with it. It was also an army-voting parliament, and for that he condemned it. It was a palace-voting parliament, and he hoped this would not be a palace-voting parliament. That parliament did many incorrect and many foolish things; but the worst and most foolish thing it did was that relative to the Dead Weight, which surpassed in mystery the mystery of transubstantiation. The Catholics were often derided in that House for their absurd faith; but they might now retort on the Protestant chancellor of the Exchequer of that day, who had proposed the extraordinary mys-

tery of the Dead Weight, and persuaded parliament to agree to his proposition. He hoped that this mystery would be got rid of on the first opportunity. It would be no great exertion of the present parliament to grant ministers that indemnity they asked for; namely, allowing the importation of that grain which had been described as food for man in Scotland, and for horses in England, and the importation of other corn that was fit to be eaten by other animals. But he hoped the present parliament would do more than this. Parliament was, however, the slowest learner, the most backward and perverse scholar, he ever knew. It took ten years to teach it some few of the truths of political economy, of which some gentlemen even yet entertained so much dread. For two years it was drilled into, and then seemed scarcely to comprehend, the doctrine of transition from war to peace, which was frequently and forcibly inculcated on it, that it might not insist on reducing the expenditure, and that it might not suppose excessive taxation was the cause of the distress at that time. A whole year and more it was taught without ever learning, he believed, the great truth of over-production. For a long time it listened with surprise to the great merit of digging holes and filling them up again, and then again digging holes and then refilling them. But the most difficult lesson of all, was the Canada Corn-bill, the doctrines of which many persons still refused to assent to. Then there was that other Corn-bill, which the other parliament had never comprehended, and which he hoped this parliament would. Much was said about the bad system of Eton and Westminster, where people passed ten years of their lives learning two languages; but these two languages were effectually taught; the boys did not learn much, but they did learn to read an old song. Homer and Virgil were good old songs. But the parliament, with all the teaching it got, did not learn an old song. Their lordships had heard what the last parliament had done; and he would now turn to what ministers were doing. They were learning too—they were taking lessons of the noble and learned lord on the woolsack, and had not done any thing. They were taking a lesson of doubting and pausing. If in riding through the country one saw an estate falling to ruin, the fences broken down, the land over-run with weeds, the house falling to decay, there was hardly any occasion to ask the reason—that estate was in Chancery. In like manner, when the country was in a state of distress, that was because the ministers were doubting and pausing. An estate was ruined because it was in Chancery [That was when lord King was chancellor, from the lord chancellor—hear! and a laugh], and the country was involved in distress because ministers were doubting. If our intelligent artizans were emigrating, and carrying with them that knowledge which would establish manufactories in other countries, it was because ministers were pausing. If capital was driven out of the country—if profits were low—if our manufacturers could no longer compete with those of other countries—it was also because ministers were doubting and pausing. They were the most extraordinary doubters and pausers, excepting lord chancellors — whether lord chancellor King or lord chancellor Eldon—he had ever witnessed. He must say, however, in favour of the noble earl, that his delays only ruined the suitors in his court, while nothing less than the ruin of the country was caused by the doubts and pausings of ministers. It was yet doubtful whether the Corn-bill was to be a cabinet question or not; and, like the Catholic question, he believed it was not, because no measure of importance was made a cabinet question. The famous Corn-bill of 1815 was not a cabinet measure; it was got up by Irish jobbers, well seconded, indeed, by the jobbers both of England and Scotland. They fixed the importation price at eighty shillings; at which sum they, in their great mercy, would allow the people to get bread. They had not, indeed, always obtained this sum, but they intended to wring it from the people. If parliament wished to see in what light its conduct was received, let members look at the different public meetings. Their lordships and the other house of parliament were considered as a body of landlords, who had the power to make what laws they pleased, and made use of that power to levy a tax on the people. Of the other House it was said, that the country gentlemen had entered into an implied contract with ministers to support extravagant establishments, if ministers would secure them high prices. It was in this manner the parliament was spoken and thought of

in the country. In this way was the extraordinary expenditure of the government accounted for. The country gentlemen sanctioned a taxation of upwards of fifty millions a year. This was the cause why, in the twelfth year of peace, there was no reduction of the national debt; and why the peace, or rather war, establishments still cost upwards of twenty millions sterling per annum. It seemed as if the object of government was to try by experiment, not how cheaply, but how dearly and costly, government could be carried on. We enjoyed the bad pre-eminence of being the most taxed people, and having the most expensive government, in the world. His Majesty, though it was so generally allowed that this enormous taxation was a cause of distress, said nothing in his Speech about reducing it. The estimates were to be framed with a consideration to the exigencies of the public service, but not with any regard to the distress of the people. Under this view of the matter, he had drawn up an Amendment, which he should move should be added to the Address.—His lordship sat down with moving, that the following Amendment be added to the Address:—

"We trust that a steady adherence to just and liberal principles of policy will prevent a repetition of those distresses which, in the course of the last ten years, have repeatedly and severely afflicted all classes of your Majesty's subjects.

"We have observed, with the utmost anxiety, those vicissitudes in the state and condition of the landed, commercial, and manufacturing, interests, those alternate seasons of prosperity and adversity, of a short and fallacious prosperity followed by wide-spread calamity and ruin, so unusual and so unnatural in a period of profound peace. We cannot avoid comparing the condition of all the great leading interests of the country during the last ten years of peace, and contrasting it with the uninterrupted prosperity and comfort enjoyed by all classes of our fellow-subjects during the ten years which followed the conclusion of the American war. At that period the civil and military establishments were fixed on the most economical scale of expense; the advantages of our insular situation were duly appreciated; a state of peace was then a state also of repose from unnecessary taxation; the wise economy which afforded ease to the subject, prepared, at the same time, for the government the means of those astonishing exertions which were called forth in the course of the last war. At the present time, with a taxation exceeding fifty millions, little if any progress has been made in the reduction of the national debt; and, with a peace establishment of twenty millions, nearly quadruple that of the former peace, we fear that, from the state of our finances, this kingdom is very ill prepared to resist the aggressions of foreign states.

"During the former peace, the prohibitory system did not apply in practice to the most important article of produce—to the trade in corn. The ports of Great Britain were then constantly open to the admission of foreign wheat at a low and almost nominal duty, and at no period of our history did the landed interest, as well as the whole community, enjoy greater security and prosperity.

"The existing laws, which prohibit the importation of foreign corn, except when the price of grain shall have risen to an extravagant height in the home market, are found to be highly detrimental to the public prosperity. They cause an unnecessary waste of labour in the cultivation of poor lands; they enhance the cost of food; they diminish the profits of stock; they have a strong tendency to drive capital abroad; they are most injurious to trade, by limiting the beneficial exchange of foreign raw produce with the manufactured produce of British industry; they encourage the establishment of rival manufactures in foreign countries; and, lastly, they are unjust, inasmuch as they prevent the people from obtaining a supply of the first necessary of life at the cheapest market.

"During the former peace, and until the unfortunate era of 1797, the currency of the country was in a fixed and perfect state, being composed, in a large proportion, of the lawful gold coin of the realm, in its nature not liable to excessive issues and sudden contractions. We have since endured all the evils arising from a large, and, in many instances, from an insecure circulation of paper, creating at one time, by an undue extension, an artificial and delusive prosperity, and producing at another time, most sudden and severe reverses, destructive alike to property and industry.

"In the course of ten years of uninterrupted peace, we have observed, with the utmost pain, the frequent recurrence of a

state of calamity and ruin, unexampled in the midst of war, and feel convinced that the only substantial security for the future will be found in reducing and retrenching the public expenditure, in the full and entire restoration of a secure currency, by the removal of all traces of those innovations in our monetary system made in 1797, together with such additional securities as may be necessary to place all that part of the currency consisting of the promissory notes of private bankers on a solid foundation; and, above all, in a repeal of the Corn-laws, and in the abolition of all that is still suffered to remain of that impolitic prohibitory system, which sacrifices the interests of the many to the few, and favours the producers at the expense of the great body of consumers, who are the community at large."

The Amendment was put and negatived. On the question upon the original Address being put,

The Earl of *Lauderdale* rose, not to object to the Address, but to say a few words on the subject of the Order in Council, alluded to in his Majesty's Speech. He should not have troubled their lordships, had it not been from what fell from the noble seconder. His Majesty's Speech, in reference to the Order of the Council, said, that it should be laid on their lordships' table; and when it was laid on the table was the proper time, according to usage, to take it into consideration. When that took place, the noble earl opposite would probably move an Address to his Majesty. [The earl of Liverpool expressed his dissent.] If the noble earl did not, it was competent for any other noble lord to do so; and when that time came, he should be ready to give his opinion upon the subject. He wished, in consequence of the noble seconder having thought proper prematurely, to praise that Order in Council, to guard himself from being supposed to approve of it. He should be ready to state his opinion when the proper time came; but it was not yet before their lordships, and could not with propriety be discussed.

The Duke of *Buckingham* said, that, agreeing, as he did, with the Address, he wished to state, in a very few words, the grounds upon which he gave his assent to it, and the limits within which he confined his approbation of it. He could not approve of the policy or propriety of painting in deeper colours than necessary, the difficulties and the distresses under which the country laboured, yet the magnitude of those difficulties and distresses could not be denied. It was not his wish to exaggerate them, nor could it be the wish of their lordships to do so; all he wished was, a discreet, sober, and steady view of those difficulties, in order that not a moment might be lost—and he felt that not a moment was to be lost—in altering that system to which he firmly believed all the distresses and calamities of the country were to be traced. The difficulties under which the country laboured were not to be attributed to any administration in particular—they were wholly attributable to the system which had subsisted ever since the year 1793—which, ever since that time, had been working mischief—which had twice thrown the country from the highest pitch of prosperity down to the lowest depths of distress. So long as that system was continued, he was persuaded the country could never prosper. Nothing, he was persuaded, could save the country from ruin, but an entire alteration of that system. Of that system it might be said—if he might be allowed to use so figurative an expression—that it had again plunged us into the depths of ruin, from the top of the wave to which the commercial tempest had raised us. It would be impossible for him in that desultory discussion to enter into any detailed views of the subject. He wished, on the present occasion, merely to express his belief and conviction, that our commercial and agricultural difficulties arose out of the state of the currency of the country, and that to an alteration in the state of that currency they could alone look for relief. It was the disproportion between the paper and the metallic currency that had occasioned high prices, and produced commercial difficulties, which could only be remedied by an open competition in the market, instead of the system of treating with the Bank alone, which the government had hitherto pursued. He was persuaded that the true principle of relief was to be found in the adjustment of the metallic and paper currency, in such proportions as experience might prove to be necessary, in order to prevent gold from being driven out of the country. To restore the currency to that healthy state, and to settle the proportions which ought to be established between the metallic and paper currency, the government ought not to com-

municate merely with the governor and company of the Bank of England, but with the merchants and traders of the city. His feelings on this part of the subject had been excited by the manner in which his Majesty's ministers had acted on the question of free trade. He could not see, nor had he ever been able to see, the reason why the question of the trade in farming should be separated from the question of the other trades and manufacturing interests of the country. What had been the principle on which his Majesty's ministers acted in establishing what, in common parlance, was called the free trade of the country? They were not starting in a fair race with the rest of Europe; for, unfortunately, when the amount of taxation under which this country laboured was taken into consideration, it would be found that our manufacturers were wholly unable to compete with the foreigner. The country looked to his majesty's ministers for relief, and it became absolutely imperative upon them to bring forward some specific measure, in order to effect that relief. His Majesty's ministers possessed the confidence of the country, and in return for that confidence it was hoped, expected, and believed, that they would bring forward some measure —not to provide for high or low prices, for it was neither the interest nor the wish of the farmer to have high prices, but to place the trade in corn on the same footing as the other trades and manufactures of the country, protected only by such duties as might enable the British farmer to compete with the foreigner. Every man who knew any thing of this important subject, knew well that the farmers did not wish for high prices; what they wanted was, not high prices, but stability of prices; such a stability as might enable them, in common with other traders, to buy and sell their commodities with confidence and security. He repeated, that what the country looked for—and he wished again and again to impress it on his Majesty's ministers—was, that they would bring forward some specific measures which might attain the great end of putting our commercial, manufacturing, and agricultural, interests on the same footing of free trade, regulated by such protecting duties as would enable them to enter into fair competition with the foreigner. All measures short of this would be inadequate to relieve the distresses of the country. Such a measure could alone save the country from ruin, and without it, it would be in vain to look for a restoration of that prosperity and pre-eminence, which this country once enjoyed above the rest of the nations of Europe.

The Earl of *Darnley* said, he did not rise to enter into any discussion of the merits of the Order in Council, for he agreed that that question could only be properly discussed when it came regularly before their lordships; but as the subject had been incidentally mentioned, he should not do justice to his own feelings, if he did not say, that, taking into consideration the time at which the Order was issued, the aspect of the crops in Ireland, and the effect which a deficient harvest was likely to have on the population in that country, his Majesty's ministers were perfectly justified in the measure they had adopted. He would go further, and say, that they were not only perfectly justified in adopting that measure, but that they would have deserved reprobation if they had not adopted it. The calamity anticipated had, by the bounty of Providence, been averted; but ministers were not the less entitled to the approbation of the country, for mitigating the expected evil. For his own part, he heartily approved and commended the measure.

Lord *Clifden* said, that ministers were perfectly justified in issuing the Order in Council, though, by a fortunate dispensation of Providence, the rains, which had fallen in August, had averted the expected calamity. The failure of the potatoe crops in Ireland would have made the price of oats and barley enormous. No rents could possibly have been paid under such circumstances; the farmers must have eaten their rents, for they could not be expected to starve, in order to pay their landlords. Ministers had his hearty thanks for the provident and judicious measure they had adopted to mitigate a calamity which the bounty of Providence had happily averted.

The Earl of *Liverpool* said, he did not rise for the purpose of entering into the discussion of any of the topics which the noble lord opposite had introduced into his amendment. The Address had, indeed, been framed in such a way as to render any observations on the topics introduced by the noble lord unnecessary, and many of those topics were of such an

extent, and such a character, that if any administration had embodied their opinions upon them, in a Speech from the Throne, they would have justly subjected themselves to the censure of the House, for having proposed them in so exceptionable a shape, on the first day of the session, without any previous notice. With respect to the observations which had fallen from the noble earl, he could only say, that the Address did not pledge the House to any opinion of the propriety of the Order in Council, but merely to an early consideration of the propriety of that measure. It had not been the usual course to move an Address upon the Order in Council. The Order must be followed by an act of indemnity, in some degree conveying an approbation of the measure; and when that bill came regularly before the House, it would be the fit time to discuss the propriety of the measure. He admitted, however, that as soon as the Order should be laid upon the table of the House, it would be open to any member either to move an Address upon it, or to make any other motion he might think proper. It was not necessary to say anything more on this subject, but he would remind their lordships of one fact, which ought not to be forgotten—though facts of this kind were apt to be forgotten, when a time of difficulty and danger was past—that there was about one fortnight in the course of the last summer, as alarming with respect to the produce of the earth, as any period that had ever been remembered. He did not mean to rest the propriety of the Order in Council upon that fact alone, but he begged to call to the recollection of the House what was the state of this country with respect to the crops towards the end of August, and the beginning of September, and what change took place, fortunately for this country, and still more fortunately for Ireland, in the course of the ensuing weeks. Having said thus much, it was not his intention to make any observations on what had been thrown out by the noble duke, with respect to the important subjects of the currency and the Corn-laws. From the noble duke's opinions with respect to the currency, he had the misfortune entirely to differ. This, however, was not the moment for entering into the discussion of that subject; neither was it the time for discussing another important subject, which would require the most serious consideration of parliament; namely, the Corn-laws. Looking to the peculiar circumstances under which parliament was assembled, and to the attendance which was to be expected at that period of the year, it certainly would not be consistent with what the government owed to the country, if, in a parliament convened in the month of November for a specific object, they were to bring forward so extensive and important a measure. He now gave notice, and he wished it to be distinctly understood, that at the earliest convenient day after the recess, it was his intention to call the attention of that House to the important subject of the Corn-laws.

The Address was then agreed to *nem. diss.*

The Earl of *Liverpool* moved, that the noble earl who had so long acted as Chairman of their committees, with so much honour to himself, and benefit to the country, should continue to take the Chair in all committees of that House.

The *Lord Chancellor* said, the House fully appreciated the services of the noble earl, and no man was more sensible than himself of the able manner in which he had discharged the duties of the office.

The Earl of *Shaftesbury* expressed his high sense of the approbation which his endeavours to discharge faithfully the duties of the office had received from their lordships, and relied upon the indulgence and assistance of the House to enable him to deserve a continuance of that approbation.

The motion was agreed to.

HOUSE OF COMMONS.

Tuesday, November 21.

Address on the King's Speech at the Opening of the Session.] The Speaker acquainted the House, that the House had been in the House of Peers, where his Majesty had delivered a most gracious Speech to both Houses of Parliament, and of which, to prevent mistakes, he had obtained a copy. After the Speaker had read the Speech,

The Hon. *T. Liddell* said, that, in performing the task which had been allotted him, of moving the thanks of that House to his Majesty, for his Majesty's most gracious Speech from the Throne, he could not deny that he felt a considerable degree of difficulty. If the task of addressing that House for the first time was,

even on the most simple occurrence, and on subjects the most light and easy, one which created diffidence and distrust, how much more must he feel upon such an important occasion, and under circumstances of such peculiar interest; and he begged leave to assure them, that the situation alone in which he had been placed in that House could have induced him to undertake the performance of so trying and arduous a duty. Beseeching, therefore, the indulgence of the House, he would proceed briefly to direct their attention to the leading topics in the Speech which they had just heard read from the Chair. That Speech might be properly considered under four heads. The first related to the Order in Council for the permission of the importation of foreign grain; the second, to the glorious conclusion of the long-protracted war in India; the third, to our foreign relations, and the prospect of the continuance of tranquillity; and the fourth led to a consideration of the internal situation of the country. In the first sentence of the Speech, his Majesty expresses a confident hope, that the legislative government will see reason to sanction the provisions of the Order in Council relating to the importation of foreign grain, and to the measures taken for carrying them into effectual execution. When they considered the beneficial consequences which resulted from the measures carried into execution by the government on this occasion, and the dangers which might have arisen by delaying such a necessary exertion of authority, he conceived there could be no difference of opinion with regard to the propriety of the course which had been adopted. When they recollected the small quantity of grain in the market, and the prospect of a very inadequate supply from the late harvest—when they reflected, that the supply from both was by no means sufficient for the consumption of the population—when they considered how very large a portion of that population was placed in a situation of the most trying distress—when they called to their minds how much that distress, which unhappily continued to exist, might have been aggravated by any want or any extraordinary price of that description of grain most immediately necessary to their subsistence—when they considered all these things, he would say, that if his Majesty's ministers had remained in a state of apathy, unmindful of the wishes or the wants of his Majesty's subjects, or dreading the responsibility which a compliance with their desires might throw upon them, they would have proved themselves objects of censure and condemnation, as they now were of approbation and regard. No course could have been pursued more adequate to the end proposed, nor more becoming the high station which they were called upon to fill. In the hour of trial they had not shrunk from their duty—they had not feared the responsibility—they did not close their ears to the complaints, or shut their eyes upon the sufferings of their fellow subjects; but at once, by a decided and manly interference, produced a free supply of grain, at a time the most needful and most important, and in a manner the least injurious to the interests of the other classes of the community. Upon a measure, therefore, so beneficial to all the great interests, he confidently hoped that there could be no opposition to the concurrence which was required from them.—The next topic to which the Speech adverted was, the glorious termination of the war in which this country had been engaged with the powers of the Burmese empire. Whatever conflicting opinions there might have been with regard to the commencement of that war, he was confident that all must consider its conclusion to be as advantageous to the country which was compelled to engage in it, as honourable to those gallant armies which had brought it to such a successful conclusion. It ought to be recollected, that it was, on the part of the government of India, a war of invasion, resisted, on the part of the invaded, by all those peculiar means of defence, for which the Burmese had at all times been remarkable; and that that war had not been entered into until negotiation had failed, until remonstrance had been neglected, and menaces despised. He need not remind the House of the importance of public opinion in India, or of the necessity of preserving that moral influence over the minds of the people, by which alone our right of control could be effectually secured. The experience of more than half a century had proved the necessity of that course of policy which had been pursued; and when, in the present case, as in every other difference with the native powers, it became necessary to

have recourse to arms, to obtain that redress for insult or aggression which had been refused to remonstrance or complaint, the result had proved, that they were in a situation to resent insult and chastise aggression, from whatever quarter it might proceed; and he had an earnest confidence, that this had been done in a manner so effectual as to prevent any disturbance of their tranquillity in future.—The next topic alluded to in the Speech was, the assurance his Majesty gave of his exertions to allay the distrust, or appease the hostility of his allies in different parts of the world. He was sure the House would do justice to the feelings of his Majesty's government on this subject, in their attempt to allay hostility; and he hoped that he might upon that point be permitted to allude to the late proceedings in Spain and Portugal, and to express a confident hope, that the late events in the western quarter would lead to the ultimate establishment of representative governments over the whole peninsula. And here he was free to confess, that when he looked to the able and indefatigable minister who presided over the foreign affairs of the country, and who had, by his courage and conduct, so ably maintained its interests at home and its dignity abroad; and when he recollected the prompt and decided recognition by that right hon. gentleman of the independence of the States of South America—when he remembered the great privileges which he had obtained for our trade and commerce by that recognition, he felt bound, on acknowledging the debt of gratitude that was due to him, to say, that while he saw him still occupying the situation he had thus honourably sustained, he felt that his claims to present approbation entitled him to future confidence. And here he could not forbear expressing a hope, that the time was not far distant when it might be permitted to renovate the drooping spirits, and support the tottering banners, of those gallant men who had been engaged in such a long-protracted struggle; and to express a hope, that, dishonoured and insulted as Greece had been, she would be raised, ere long, from her present prostrate condition, to that station which she was so well qualified to occupy among the nations of the earth [hear]. He was afraid he had, in this instance, gone beyond the bounds of that discretion which ought to be exercised on such occasions as the present; but, if he had erred, he trusted his error would not be unpardonable, and that no sincere wish breathed in favour of freedom would ever be heard in that House with anger or indifference [hear, hear].—He now approached the last division of his Majesty's Speech, in which he spoke of the sufferings of his people in their late distresses, and of his sincere sympathy with their affliction, and his firm expectations that the time was not distant when their commerce and industry would resume their wonted activity. The country knew well the sympathy of that royal person in their sufferings, and had witnessed with so much gratitude, his generous exertions and his bountiful donations for their relief, that he would not attempt, by any praise of his, to weaken those expressions of feeling which were conveyed in the unqualified attachment of every class of his subjects. He was, however, but too well aware that some interests in the country still laboured under very great depression, although he trusted, that before any long period elapsed, the united wisdom and talent which he saw collected around him would devise such measures as would procure for them an adequate and effectual relief. He was not disposed to state any thing unfairly, or to regard the state of the country with any prejudiced eye; but he must say, there appeared to him to be two things which seemed to gild the prospect—which kept alive hope, and nourished expectation—and these were, first, the undoubted fact, that internal consumption had not materially diminished, in despite of all the suffering they had witnessed; and, secondly, the patience, the unexampled patience, with which the unemployed had endured their privations, amidst temptations of no common description. For, in their situation, temptation had not been absent. There had been then, as formerly, no want of seducers; but the talisman had lost its influence, and the seducers and their objects had been held in equal abhorrence.—The hon. gentleman then proceeded to observe, that he had avowed himself a friend to the present administration, but he begged to say, that he was pledged neither to men nor measures. His Majesty's ministers he considered to be entitled to his support upon general principles; but he retained to himself the full exercise of

his own discretion upon every question which might be submitted to the House; and, as long as he continued to be honoured by the confidence of the great county which had sent him there, he would adhere to the same rule of inviolable independence.—It only remained for him to say, that their prospect, although gloomy, was not, in his opinion, by any means devoid of hope. He trusted, trade itself might derive some benefit from a reference to the causes of those evils by which the country had lately been agitated; and that, as our natural atmosphere was said to be cleared by a violent conflict of the elements, so our political horizon would assume a brighter aspect after the convulsions by which it had been agitated. He trusted that, in the course of the ensuing year, there would, with increased confidence, spring up increased activity, and a return to a more sound and healthful state. He had now drawn the attention of the House to the arduous task he had undertaken; and if, in so doing, he had deviated into irrelevant topics, he trusted he might be permitted to throw himself on the indulgence of the House. That indulgence had been extended towards him in a manner he little merited; and, for the attention with which he had been heard, and the encouragement with which he had been cheered, he returned the House his most heartfelt thanks. It only remained for him to move, That an humble Address be presented to his Majesty, in answer to his Majesty's most gracious Speech.—The hon. member then moved the Address, which was, as usual. an echo of the Speech from the Throne, and sat down amidst loud cheers.

Mr. *George Winn* (member for Maldon), in rising to second the Address, said, that he did so with feelings of great anxiety and of great pleasure also. The anxiety that he felt was relieved by the gratification it afforded him, that the first words which he had an opportunity of uttering in that House were in the expression of sentiments of loyalty towards the sovereign, and of thanks to him on the occasion of the exercise of one of the most important branches of the royal prerogative. In this feeling of loyalty, he was satisfied that all who heard him cordially participated. They had that day had an opportunity of witnessing the parental regard the sovereign had manifested for the preservation of the rights and liberties of the people; and they must feel that so far from the royal prerogatives being inconsistent with those rights and liberties, they mutually supported each other. Among the topics of congratulation afforded by the Speech from the Throne, was the announcement of peace, and the gratifying prospect of its continuance. The termination of a war, such as we had been engaged in in the East, was attended with many and peculiar advantages, on which it was needless to expatiate. The prospect of the continuance of this peace, however, was more to be relied on from our internal means of preserving it, than from any external causes. Within ourselves we must look for its preservation, as well as for the prosecution of war, if war should at any time be found necessary. England was a country, powerful in more respects than one; it was a commercial, an agricultural, and a martial, country; and, unlike the dangerous beauty of Italy, which, whilst it presented a temptation, presented no formidable resistance to invasion; it possessed ample and varied means to repel invasion, and on any and every occasion, to vindicate itself. Our commercial importance imparted habits of diligence, and brought with it knowledge to direct that commerce in useful and profitable channels. We had an active and industrious agricultural community—a fertile soil—presenting a flat face, favourable to the growth of corn, and of every kind of agricultural produce. Moreover, we had a warlike sword and a martial spirit to protect us, and these combined resources raised us above apprehension from the gripe of foreign aggression. As long as the foreign interests of the nation should continue to be conducted in the exemplary manner in which they had been directed by the right hon. Secretary of State for Foreign Affairs, he had no doubt that the honour and dignity of the nation would be maintained, and the country effectually preserved from the miseries of war. In justification of this eulogium, which the subject had extracted from him, he would allude to two instances in which the wise and upright policy of that right hon. gentleman had been most conspicuous. When the admirers of the well-regulated balance of power in Europe had justly apprehended that the interference by France in the affairs of Spain was calculated to impair or to destroy it, and when the slightest encouragement

would have induced the whole people of England, smarting as they were under the effects of former wars, to engage in that which seemed to invite them, the exertions of the right hon. gentleman had prevented any indiscreet display of the martial ardour of the country, and had, at the same time, preserved the national honour inviolate. The other instance to which he alluded was the recognition of the independence of the South American states. No measure required, in his opinion, more profound diplomatic skill than this. Not only was it necessary to have great knowledge of the law of nations, but the nicest and most accurate skill in the application of that knowledge to the struggling interests of the colonies and the power of the mother country. The manner in which this great measure had been effected, proved that the right hon. gentleman possessed the first qualities of a statesman, and the result had proved that it was wise and just in its conception, not only by the advantages which had ensued, but by the fact that the other nations of Europe, however slowly and reluctantly, were compelled to follow the example which England had set them, of recognizing the independence of those states. He called these facts to mind, not because it was necessary, but because, in the present feverish state of things, it was a consolation to know that whatever exigencies might arrive, we had the advantage of that commanding and enlightened mind, the worth and power of which had already been proved under circumstances of the most trying description. Let the House look to the situation of the newly-recognized colonies, the people of which hardly knew (so unsettled was the present state of affairs in them) to what government they belonged: let the House look to the condition of Portugal and Spain, burning with feelings of old antipathy and national aversion against each other; or to Greece, that oppressed country, struggling against domestic and foreign foes, the former more fearful than the latter, and against whose crimes he could not trust himself to express the indignation he felt—and all would concur in proving the advantages which had already resulted from the conduct pursued by the government, and the policy of persisting in the same course. But, in order to effect as much as would be necessary to be done, he feared that when they came to consider the funds that must be supplied for those purposes, they would be very considerable, and that it would be impossible to consider the country as safe, if the estimates were framed on as low a scale as strictly belonged to a peace establishment. The unsettled condition of the countries he had mentioned, the circumstance of their fleets not being under proper control, and the necessity of protecting the interests and property of British subjects, would make it impossible, he feared, to reduce the expenditure to so low a rate as every friend of the country must devoutly wish. The next point to which he came was the internal concerns of the country, and of these the first in importance was the late Order in Council. He had given to this subject the best attention he was able; and the result of his deliberations was, that the step taken by the government had been, in every point of view, expedient and necessary. There had appeared to be a deficiency in the crop of oats, and there was every reason to believe that there would consequently be a great increase in the price of this article of universal consumption, and which formed the chief food of the inhabitants of the northern parts of the kingdom. A failure had also taken place in the potatoe crop; and the distress which that must have occasioned in Ireland would have been so great, if measures had not been adopted to avert it, that he could not bear to think of it. Having named Ireland, he would say that he felt the deepest interest in the concerns of that beautiful, interesting, and lovely country, and of the noble race of men she produced, and that he would be, upon all occasions, the warm supporter of any measure which might be proposed for her benefit, excepting such as might endanger the present establishment in church and state. Perhaps the House was not aware of the importance of the crop of potatoes in Ireland; but he believed that the failure of the crops, and the disturbances of that country, had always been simultaneous. The residence of Irish proprietors on their estates, coupled with the introduction of English capital, were the measures best calculated to restore Ireland to prosperity; and he wished Irish gentlemen to believe, that, however their opinions might differ as to the causes of the distress which existed in that country, the greatest evil which could be done to it would be to prevent the introduction of English capital. He found that he had diverged a little from

the subject of the importation of oats, to which he begged leave to return. He repeated, that he thought that measure necessary, and he rejoiced to find that, as the prices proved, it had not interfered with the agricultural interests of the country. This was not, perhaps, the proper opportunity for mentioning the subject of corn. While he did so, he avowed that his mind was open to conviction, but at the same time he must say, that as far as he had been able to form an opinion on the subject, he did not see any occasion for altering the existing laws, and he was not aware that it could be effected with safety to the agricultural interest, and to the commercial prosperity of the nation. He approved of the conduct which ministers had pursued in this respect; because he would much rather see an occasional exercise of that power, for which the ministers were responsible, than any permanent alteration of the Corn-laws. With the distress of the country every one must sympathize, because every one must feel it in a greater or a less degree. He trusted, however, that it was considerably abated; and he rejoiced to find that the diminution of the revenue had not been found where it might have been most naturally expected, and where it would have been most frightful, namely, in the articles of internal consumption. He rejoiced that the eminent talents, such as he saw around and before him, were not absolutely necessary for the discharge of the duty which he had undertaken; but that the common education of an English gentleman, and that second and better education which every man who lived in the world gave himself (if he thought at all) by habits of reflection and observation, with a mind free from prejudice on all subjects, as he hoped his was, accompanied by a zealous and earnest desire to do what was right, and laborious exertion, would enable him to perform that duty satisfactorily to himself and usefully to his constituents. He trusted that the day was at hand, when the burthens of the people would be lightened, and would be borne by the people more cheerfully; and when the clouds which had [illegible] arisen from temporary causes, would be dispersed by the sun of the country's glory.—The hon. gentleman concluded by seconding the Address.

Mr. *Brougham* said, it had often fallen to his lot, on occasions of this kind, to complain of the very different practice which, of late years, had crept into the construction and management of these speeches from the throne, from that which formerly prevailed. Under the former practice, it was usual to give to members, especially to the younger ones, the opportunity of knowing, and of considering beforehand, the principal topics adverted to in the Speech to be delivered at the opening of a session; and he should still maintain, that the former practice was by much the safer and more convenient one, and that very serious evils, in a variety of cases, had arisen out of the departure from it. Yet, often as he had felt it necessary to urge this matter upon the attention of the House, it was a topic, of which, at least, the Speech from the throne, on this occasion, had deprived him. For, undoubtedly, he could not expect the House to listen to him with a grave countenance—even were he himself able, with a grave face, to complain of not having been allowed three or four days, for the purpose of considering, studying, weighing, and digesting, a Speech, that was composed—(so far as he had been able to catch its import, by hearing it read from the Chair, and by the echo of it in the speeches which the House had just heard from the hon. mover and seconder of the Address)—composed, from beginning to end, of blanks. Never before had he heard Speeches, delivered either by his Majesty from the throne, or by any one of his Majesty's ministers, which touched so lightly—which said such nothings—upon some of the important subjects it alluded to; while it left out others, of the highest moment, entirely, though such were precisely the topics it ought most clearly to have discussed. And really, judging from the appearance of that House—from the manner in which it had heard this Speech read, and from the sort of impression produced by the observations of the two hon. gentlemen who had so ably moved and seconded the address—he was fully persuaded, that such also was the conviction of all who had heard the Speech in question. But when he spoke thus of the defects and omissions in it, he begged it might not be supposed that he attributed any blame to the preparers of the Speech. They were defects incident more or less to the prevailing passion for making these Speeches; and the Speeches themselves were, more or less, a mere civility on the part of the Crown to the parliament. They

generally, too, as had been observed for many successive sessions, were so framed, as to say as little as possible upon the most difficult circumstances of the times; but, in no instance, had a speech from the throne ever so completely failed to notice such subjects, as the present one had done. He hoped, however, that he should live to see the day when this species of introduction to the business of the session, this most useless, and, because useless, most unseemly (he would not use a harsher epithet) ceremony dispensed with. The best thing in the Speech which had been delivered on the present occasion was, that the hon. mover himself, who must have had all the necessary opportunities of considering it before hand, could find no other way to dispose of it but by escaping from it. And far, indeed, was he, from finding fault with the hon. member on that score, because such a course, in relation to such a Speech, was matter of absolute necessity. If his hon. and learned friend, who spoke last, and who belonged to that profession which was supposed especially to possess the faculty of speaking about nothing at all, had discovered that here was a Speech upon which even that faculty could not avail him, and had been obliged to make a digression to subjects that had been altogether omitted out of that Speech, his hon. and learned friend was justified in his digression; but the very same omissions formed one of the grounds of his (Mr. B.'s) complaints. He really was bound, at the same time, to observe, after the praises in which his hon. friend had indulged, of the smoothness and the richness of the agricultural soil of this country, that the Speech itself possessed, at least, one similar good quality, for it was fertile as well as *flat* [a laugh.] It embraced a great number of topics, if it was explicit upon none, or upon none of the more important ones. His hon. and learned friend had just directed their attention, with some anxiety, to one part of the Speech, in which, as he stated it, they were instructed to proceed in the business of economy and retrenchment in the public expenditure. It did appear to him, that his hon. and learned friend, before he proceeded to make those observations which this passage had elicited, should have recollected that rule of law, which held, "that deception is apt to lurk under generalities." Now, that rule ought to be a very great comfort to his hon. and learned friend; and should operate to relieve him from the alarm which he had evidently conceived at the bare suggestion of economy and retrenchment, in preparing the estimates for the current year. His hon. and learned friend had had less experience than himself, in the matters of king's speeches and estimates, otherwise the very last alarm which he could ever have been subject to, would have been a dread of those estimates being framed on too reduced or too economical a scale [a laugh.] Even had the Speech from the throne specifically pledged the government to frame them upon the most modest scale, the apprehensions of his hon. and learned friend would have been quite unfounded. In point of fact, this production employed the most vague and general expressions, in order to intimate the intention of ministers to frame the estimates after a low rate, that he had ever heard used, even in a king's Speech. The language was to this effect:—that his Majesty "will take care that the estimates shall be formed with as much attention to economy, as the exigencies of the public service will admit." Why—nobody ever heard the word "economy" employed in a king's speech, or retrenchment mentioned in the speech of one of his Majesty's ministers, without such a qualification as that; and even in the most wasteful and extravagant times of the government, intentions of retrenchment and economy had never been hinted at in any other way. He would fain have his hon. and learned friend comforted, moreover, by the assurance that, even when the strictest economy was professed to be the favourite object of administration—when the nation expressed, unanimously, its earnest desire that it should be practised in every department of the state—when a firm resolution was declared on the part of his Majesty's government that the wishes of the whole population of the country should be listened to, and, as far as possible, complied with, by the adoption of every practicable retrenchment (for he had even heard such language as this from the government, on some occasions);—alarming as all this would have been, at such times, to his hon. and learned friend, yet if the period for producing the estimates had not then arrived, those alarms of his hon. and learned friend would subsequently have proved to be as unfounded as they now were. Those

alarms would afterwards have been dissipated by the very first page of the very first estimates laid upon the table; for it would have clearly demonstrated what was the real value of professions of economy so made, and what the vanity of alarms founded upon such professions. Among the omissions that he had to charge upon this Speech from the throne, there were two, of which he must especially complain —the one (which had been but ill supplied by his hon. and learned friend in that part of his digression that extended to her affairs) was that, which regarded the present state of Ireland—the other respected this very topic of retrenchment. Now, it did strike him as one of the most extraordinary incidents he ever remembered to have happened upon an occasion of this kind, that when, in the minds of all men—whether in the sister kingdom, or in this part of the united empire—there prevailed but one common opinion on the present aspect of public affairs; and that next in importance only to those measures which related to the food of the people, and, in many minds, even above those in importance—the urgent, imperious, necessity was felt of having the affairs of Ireland speedily, though maturely and diligently, considered—that from beginning to end of this Speech the name of Ireland should never once occur. He had not a very distinct recollection of the matter; but this circumstance reminded him of an extraordinary and analogous fact, that distinguished the commencement of the American war. At that period—at the very moment when we had already arrived at the crisis in which all men's eyes were turned towards America—when the word "America" was on the quivering lip of every man, who thought of the condition, or felt for the welfare of his country—among all the topics to which the Speech from the throne, then delivered, directed the attention of the House, the name of America, either by specific mention, or implied allusion, was not to be found. So Ireland was a name altogether omitted on the present occasion. In the instance he had just adverted to, so far was the omission of America from being congenial to the hopes or the expectations of men, on either side of the Atlantic, that a most remarkable circumstance (as he had heard, but a few minutes before from a gentleman who was in America at the time) took place in one of her cities on the arrival of a copy of the royal speech there. It was thought in America to be a bitter satire upon the monarch and the parliament of this country; insomuch, that the man who first ventured to promulgate it was cast into prison as a gross libeller, and was confined there until his vindication arrived in the shape of official despatches to the representative of the British government in that place. He would venture to say, with respect to Ireland, that no man, not being acquainted with the contents of this document—no man who remembered what had passed within the last few years, or the events which still were passing in that country—would believe that such a speech could have been pronounced at this time. Obvious reasons prevented him from at present enlarging on this unfortunate subject; but he protested against the omission, and should expect to hear—not at present, perhaps, but certainly hereafter—some strong reasons assigned in justification of that omission. By much the best, and by far the most satisfactory, would be,—the proposition on the part of his Majesty's government, of some measure of sound, and liberal, and enlightened policy—calculated to effect the end of doing justice to Ireland, and of saving the Irish people from the combined horrors of civil and religious warfare: of protecting the country in what had been made its weakest point, but what, well managed, ought to be the very right arm of its strength, and of the strength of the united empire. As to the question of retrenchment, it might be said by some, "When the estimates come before us, it will be time enough to think of that." But, taking into account the vague import of terms like those employed in the Speech —of all which was to be found there on this topic—and listening a little to the reports which he heard circulating around him (some of them, by the bye, verified by outward and visible signs), he must confess, that he could not help feeling strongly impressed with the conviction, that one reason why no more direct and specific pledge, binding the House to effect further retrenchments in the public expenditure, had been given on this occasion, was —that certain propositions might be expected to be speedily laid before it, savouring of any thing rather than of retrenchment—of any thing rather than a disposition to economise our resources—of any thing rather than a due regard—he

would not say to the prejudices, but to the just and natural feelings of the people of this country — propositions, in short, which, once submitted, it might be a hazardous thing to predict the consequence of carrying. But he doubted whether they ever could be carried through the House; but, if carried, he was sure they would be so, with the deep, unanimous, and loudly-expressed reprobation of the people of England. These were not times for tampering with the feelings, or the opinions, of the people of England. The people were in a condition of extreme distress, and that distress extended not to any one class, but affected the farming as well as the manufacturing and commercial classes. Foolish theories had been set afloat, the effect of which was, to attribute the prevailing distress to causes that, instead of having heightened, had rather, in truth, alleviated it; causes, part of which were, by the nature of things, absolutely unconnected with it; while another part supplied a real set-off against those afflictions, and tended to mitigate rather than to increase them. But let the real causes of such distress be what they might—and whatever might be the collateral evils, by some expected to result from the application of the remedies which had been proposed—or assuming that the distresses which it was anticipated would arise from them to the agricultural interest might be as severe as ever their alarms had predicted—in all, in any, and in every case, one method remained to us—there were means within our power which must, at any rate, alleviate these distresses. These were retrenchment; the saving of the public money; the repeal of noxious taxes; the reduction of public burthens; the cutting down of every estimate, not merely to the rate at which the most moderate of them was now framed, but to that rate to which the people of England felt they had a right (aye! and would make that assembly too, feel, that it had the right, and owed the duty) to cut them down. This was the very least which parliament, under the circumstances of the country, could do. Not one single sixpence must be uselessly spent. The reduction of every salary of the public functionaries, in the civil, naval, and military departments, from the highest to the lowest; the allowing not a single farthing of the money which was wrung, hardly wrung, from, though still contentedly paid by, the suffering people of this empire, to be expended but upon services, the absolute, indispensable, necessity of which would justify such expenditure. This course of proceeding only would satisfy the people of England. If such a course would relieve them—and as far as it went, it must relieve them—that relief they had a clear right to. But, even if it should fail to do so, it would still be giving them that which they had an undoubted right to demand; and that which, as their right, the House ought not to dream of refusing them. It would give to the people the satisfaction of knowing that, while they were suffering under the pressure of almost unendurable torments, the members of the legislature and of the government were not squandering their hard earnings, or permitting the wasteful expenditure of their resources. But he had heard of great public works which were carrying on—of new palaces. Talk of new palaces at such a moment as this! talk of architectural improvements, of architectural beauty, and taste, and ornaments, at such a moment as this! Let hon. gentlemen believe him, that, if they had the feelings of an English House of Commons—of such men as had sat there before them—they would direct their attention to other subjects, with a view to satisfy the country, and to secure her safety. Let them believe him when he told them, that of all the architectural ornaments, or decorations, which, at that time, could attract to the metropolis, the eyes of the whole country—the very best, and purest, and most honourable, would be, unfinished palaces—unfinished palaces, while the people of England were suffering. He had now expressed his own conviction on this subject, without allowing himself to be deterred by the risk of exciting dissatisfaction in any quarter. He had deemed it to be his bounden duty not to suffer the present occasion to pass by, without declaring his strong and decided impression, that they could do their duty to the people only by pursuing the two courses which he had endeavoured to point out; first that of tranquillizing Ireland by doing her justice; and, secondly, that of keeping England peaceable, by every possible reduction of the public expenditure.

Mr. Secretary *Canning* said—I am really, Sir, somewhat at a loss to know what the hon. and learned gentleman requires, when he speaks of the barrenness of information in the Speech from the

Throne, and of the necessity of amplification under which, as he says, the hon. mover and seconder of the Address felt themselves in consequence. Nor can I exactly understand the justice of the complaint which we have heard, in such loud tones from the hon. and learned gentleman, with respect to the discontinuance of the usage of communicating the contents of the royal Speech on the evening before its delivery from the Throne. I undoubtedly recollect that, during the early period of my experience in parliament, it was the custom the night before the commencement of a session, to read to such members as might think proper to assemble to hear it, at a place called the Cock Pit, the Speech with which the king's ministers had advised his Majesty to open the session. Various inconveniences, however, which resulted from that practice have long occasioned its discontinuance; nor can I now understand the tendency of the complaint made by the hon. and learned gentleman; nor conjecture what advantage would have been derived from bringing the Speech prematurely before the public. Let it, also, Sir, be recollected, that, with the discontinuance of a communication of the intended Speech, a few hours before its delivery, has grown up another custom, which must materially counteract any evil, if evil there be, resulting from such discontinuance; namely, that it is not now usual to insert in the Speech any passages which may call in the Address for any pledge by the House of the precise course which they may deem it expedient to adopt; and, therefore, that, in the present day, the Speech requires nothing in the Address beyond an ordinary and courteous reciprocation of good dispositions. If the hon. and learned gentleman thinks there is any thing in the Address which will preclude any hon. gentleman who may assent to it from taking whatever parliamentary course he may deem most advisable, with respect to any of the important questions that may come under our discussion, he opposes it on fair and intelligible grounds. But it is notorious, that that is not the case; and that on this, the first day of the first session of a new parliament, no attempt whatever has been made to pledge beforehand those who may concur in the Address to the support of any measures which his Majesty's ministers may think it their duty to propose or advocate. There really never was a Speech from the Throne which, in compliance with the modern usage to which I have been adverting, less distinctly called for any such pledge, than the Speech which is now under our consideration. The truth is, Sir, that parliament has been assembled at the present season, which, especially since the Union, is undoubtedly a very inconvenient period of the year, not for the purpose of precipitating any of those important discussions which require the fullest attendance and the most patient deliberation, but because, in defence of the laws and of the constitution of the country, it has been thought right to call parliament together to provide an indemnity for his Majesty's government, in consequence of the measure by which, although under what appeared to them to be a great and urgent necessity, they violated those laws, and that constitution. It is true, Sir, that, without offering any very great insult to the laws or to the constitution, and that, without any very extravagant stretch of the royal prerogative, the meeting of parliament might, perhaps, in the present instance, have been deferred. But, although his Majesty's ministers felt that the postponement might, in this case, have taken place without any great impropriety, they also felt that the precedent of postponement might be mischievous. Although they felt as sure of the approbation of parliament for the step which they took, as men can be who are conscious that they only did that to which they were prompted by an over-ruling necessity, they also felt that they should have been wanting in duty to the king, and in respect to the constitution, if they did not advise his Majesty to summon parliament expressly for the purpose of passing judgment on the extent of the necessity to which they submitted, and on the soundness of the discretion which they had exercised. On this subject, Sir, much as I have reason, in common with the House at large, to admire the speech of the hon. seconder of the Address, and much as I have reason to be personally thankful to the hon. gentleman for many of the sentiments which he so ably expressed, I cannot say that I shall be disposed to claim the approbation of the House, precisely on the grounds stated by my hon. friend. I am very far from thinking that that is the best possible state of the law on this important question, which requires this occasional and irregular interposition of his Majesty's

government. I am the last man in this House to argue, that such a condition of the law is desirable; for it may be remembered, that among the motives which were urged by me, towards the conclusion of the last session of parliament, to induce the House to agree to the bill for the introduction of bonded corn, was the expediency of diminishing, as much as possible, the necessity for the exercise of any discretion on the subject, on the part of his Majesty's government. The object, therefore, which we have in view in the proposed bill of Indemnity is not to elicit the approbation of parliament of any general measure, but to obtain a particular sanction for a particular measure, arising from an evident and unavoidable necessity. If, however, the hon. and learned gentleman complains, that his Majesty's Speech does not contain any direct intimation of the course which it is his Majesty's ministers' intention to pursue, with respect to a subject which at present agitates the feeling of so large a portion of the community, he will perhaps be satisfied when I assure him and the House, that at a very early period after our next meeting, I shall be prepared, on the part of his Majesty's government, to propose such measures with regard to the Corn-laws, as in their opinion will be beneficial to the country, and conciliatory towards all the great interests involved in the determination of the question [hear, hear!]. At least, Sir, it shall be shown, that his Majesty's ministers have no disposition to shrink from the subject; and I again pledge myself as the organ of his Majesty's government, that many weeks shall not elapse after our meeting again, before I bring it under the consideration of the House. Such being the case, I trust that I shall not be considered as saying any thing disrespectful to the House, when I declare, that I will not be provoked into any premature or partial discussion of a question, which demands the most full and deliberate consideration. The hon. and learned gentleman has said, that the hon. seconder of the Address, in adverting to that passage of the King's Speech which declares, that "the Estimates for the ensuing year shall be framed with as much attention to economy as the exigencies of the public service will admit," appeared to entertain an alarm, that the economy alluded to might be excessive, while,* on the other hand, he himself was exceedingly apprehensive that it would fall infinitely short of what was requisite. Really, Sir, we ought to feel some satisfaction at having framed a paragraph with such skill as to excite opinions so contradictory [a laugh]. The hon. and learned gentleman, however, says that it is an indefinite expression. Indefinite it necessarily must be, unless it had been practicable to introduce details; but I do assure the hon. and learned gentleman, that the most extravagant construction which his powerful imagination can put on the apprehension of the hon. seconder of the Address is not more extravagant than the antagonist apprehension which the hon. and learned gentleman himself professes to entertain. The hon. and learned gentleman appears to have "some monster in his thoughts," the nature of which it is impossible for me to conjecture. All I can say is, that there is nothing in the contemplation of his Majesty's ministers which can justify the hon. and learned gentleman's alarm at that, whatever it may be, for which, having no place in his Majesty's Speech, the hon. and learned gentleman imagines a place elsewhere. [Mr. Brougham said something across the table, which we were unable to hear]. Then really, Sir, the hon. and learned gentleman has thrown a great deal of very good intonation away [a laugh]. I should be glad to know on what terms his Majesty's government could secure themselves from the imputation of criminal expense, on the part of the hon. and learned gentleman. I grant, Sir, that if the hon. and learned gentleman thinks we ought, on the spur of a temporary pressure, to cut down and change all the existing establishments of the country,—I grant that, if that is the hon. and learned gentleman's project, no such thing is in our intention; nor I am sure would any such proceeding receive the sanction of this House, nor of the people at large, whom it professed to benefit. The hon. and learned gentleman thinks that the best accompaniment and consolation to a suffering people is the suspension of all public buildings. I am of a contrary opinion. I think that a prosecution of public works must be available to their relief. To me it appears that, if people want bread, it is a strange remedy for their distress, to suspend the employment by which alone they can procure it. While the character of the country remains what it is, the de-

cent splendor of the Crown, and the comfort of the people, will never be considered incompatible objects; the dignity of high stations will not be regarded with an envious eye; nor will one class of the community find any consolation for their own evils in pulling down another. Not apprehending that any such disposition exists in any part of the public, I can assure the hon. and learned gentleman, that it is not the intention of his Majesty's government to carry economy to such an extent, as to induce that public to turn round and charge us with going into an extreme. The hon. and learned gentleman is dissatisfied with the declaration in the Speech, that "the Estimates shall be formed with as much attention to economy as the exigencies of the public service will permit." Does the hon. and learned gentleman suppose that there are no exigencies in the public service? Has this country no station to maintain? Is nothing required from us towards the maintenance of tranquillity in Europe? May we not, at a moderate charge, prevent the occurrence of an evil which, in a single twelvemonth, would plunge us into an expense, greater than an ill-judged economy would balance in a course of years? His Majesty says in his Speech, that he "is exerting himself with unremitting anxiety, either singly, or in conjunction with his Allies, as well to arrest the progress of existing hostilities, as to prevent the interruption of peace in different parts of the world." Does the hon. and learned gentleman believe, that, in order to effect this object, it is not necessary to maintain considerable establishments? If we look at the new world. Are there not contests going on which humanity requires should be put an end to? In Europe have we not an ally whose condition solicits our aid; an ally in such a situation, that any hesitation or fluctuation of policy, on our part, might invite an attack upon her? May not our presence on the spot prevent an aggression on the power to which I allude? Is not the English fleet now in the Tagus, an obviously wise and economical expense? Will it not be advisable to continue that expense, if it is calculated to prevent an explosion, the consequences of which no one can foresee? Do not let it be supposed, by my adopting this illustration of the necessity of a certain establishment, that it is the policy of his Majesty's government to meddle with the internal affairs of other countries. I trust we know the limits of our duty too well. It is our duty to take care that the frontiers of Portugal shall not be crossed by an offensive army; but it is not our duty to give one faction, or party, an ascendancy over the rest. The force which we maintain at Lisbon, therefore, is maintained, not with any view of interfering in the internal affairs of Portugal; not with any view of intimidating any party in Portugal; but simply with a view to prevent such acts of foreign hostility as, in their consequences, might involve Europe in the horrors of war. It is on that ground, Sir, that I take our conduct towards Portugal as an illustration of the wisdom and necessity of maintaining certain establishments; and I challenge the hon. and learned gentleman, who desires us to cut down all our establishments, to put his hand at this moment on any of our establishments as unnecessary, in which I will not shew that there are the seeds of safety; in which I will not shew that there are the roots of a well-ordered, a well-regulated, and a permanent economy. That is the sense in which the Speech from the Throne adverts to possible exigencies of the public service. There is no intention, under that name, to shelter any of those extravagant propositions, the probability of which the hon. and learned gentleman appears to contemplate. There is no part of the policy now pursued by his Majesty's government, dependent on the establishments of the country, which I am not ready to go through, point by point, and show its real efficacy and ultimate economy; and that, Sir, as I conceive, is the only possible answer which I can give to the conjectures of the hon. and learned gentleman.—With regard to the condition of Ireland, I shall only observe, that the absence of any topic in the Speech from the Throne does not at all preclude parliament from entertaining the consideration of that topic, if it should think fit so to do. The Speech states those points alone, respecting which it is intended by his Majesty's government to call on parliament to adopt some proceeding. It is not our intention at present to bring before parliament any specific measure respecting Ireland; but that will not prevent any individual member from agitating the subject. I will not, however, be tempted, by what has fallen from the hon. and learned gentleman, to say another

word about it. The hon. and learned gentleman knows as well as I do, that if, in the course of the session, the question to which I allude should come under consideration, I shall be ready to meet—not the hon. and learned gentleman, for our opinions on the question agree—but the question itself, as I always have met it, with the most anxious and determined attention. Sir, not having been able exactly to understand the purpose of the hon. and learned gentleman's speech, but understanding that he does not mean to object to the Address, I have perhaps said enough on the present occasion; but I cannot sit down without congratulating the House on the accession of talent which they have gained in the hon. member who opened the debate of this evening. I trust, from the promising commencement of that hon. member's parliamentary career, that he will not confine himself to an occasional display, but that he will illustrate by the display of his abilities the various important questions which, from time to time, come under our consideration. I may also be allowed to say, that so far from my feeling the part which the hon. mover and seconder have taken this night the less acceptable, in consequence of their declarations that they are determined to exercise their own judgments on the subjects which may come under their consideration, that they will endeavour to keep their minds free from prejudice and open to conviction, and that they are resolved to mix a general support of his majesty's government with a general spirit of independence; I experience the greatest pleasure in hearing the statement. Such are the minds from whom we hope for the most beneficial, because the most honourable, aid; and it is only with such qualifications, and under such restrictions, that his Majesty's government ask the support of any man who now sits in this House for the first time.

Mr. *Brougham*, in explanation, denied that he had any wish to see the estimates reduced below what the exigencies of the public service would permit.

Mr. *Hume* reprobated the indisposition constantly exhibited, on the part of his Majesty's government, to diminish the naval, military and civil establishments of the country. Even where they had expressed any intention to do so, their acts had not corresponded with their declarations. If the hon. seconder of the Address would read the Speech from the Throne, in February 1822, he would find in it an unequivocal recommendation to parliament to relieve the burthens of the people; and the result would show the hon. member, that he need not entertain any fears that economy and retrenchment would be carried to too great length; for by referring to the estimates, the hon. gentleman would find, that they had gone on increasing in amount from that time to the present moment. Notwithstanding the Address of the House in 1821, calling on the Crown to effect every possible reduction of expenditure; notwithstanding the answer to that Address promising relief; notwithstanding the Speech of 1822, the army, navy and ordnance estimates of the present period exceeded by 1,700,000*l.* the estimates of the period to which he alluded. As to the necessity of maintaining establishments, with a view to watch the conduct of foreign powers, what could be the benefit of interfering with other states, if by that interference our own population were to be loaded with excessive and intolerable burthens? It was impossible that the people of this country could be exposed to the taxation which they now endured, without experiencing a degree of misery, which wisdom would teach us to make every effort to prevent. What was the object of all good government? To make the great mass of the people happy; to give them every enjoyment consistent with their own security. Was the House to be told by the right hon. gentleman, that because our interference in the affairs of Portugal might or might not be incidentally beneficial, government were warranted in keeping up our present immense establishments? If it were fitting to keep them up, let not the right hon. gentleman postpone his explanation. The present was the proper time. The prospects were most gloomy to the merchant, to the agriculturist, and to the manufacturer, whilst in all those branches of industry the labourers were placed in situations of extreme wretchedness. If any proofs of this assertion were wanted, it was only necessary to advert to the general wish that prevailed amongst the labourers, to be banished to some distant country. Every possible relief ought to be afforded to people so situated. Was the House to be drawn aside from this subject, by a declaration made by the right hon. gentleman, that

there could not be any reductions in the burthens of the people? Would the country be satisfied with the mere assertion of the right hon. gentleman, that the sufferings of the people would admit of no alleviation? He had observed, that whenever the government saw an opportunity, however distant, of reducing the taxes, they never lost any occasion of blazing forth their intentions to the House. They had made no allusion to any relief from taxation in the present instance, and his experience taught him not to expect any. The government seemed to think that the difficulties and distresses were partial and temporary. So far from being of this opinion, he had every reason to believe that those distresses were general, deep-rooted, and increasing. He would therefore ask, if the House ought not to proceed, without delay, to inquire into the subject. He did not complain of any one thing stated in the Speech. All he complained of was, the omissions. He would not quarrel with one single expression that had fallen from the hon. gentleman who moved the address, but he would enter his protest against the doctrine, that the late war in India could not have been avoided. He maintained, that, with only a little moderation, the war might have been altogether avoided; for we were both the invaders and the aggressors. But it would be found a poor consolation, that the war was unavoidable, if those who thought so reflected, that no war had been ever carried on with greater loss to the country. He would say, that no men had ever conducted themselves with greater bravery, or suffered more in active service, than our troops had done in the Burmese campaigns. But, whilst he acknowledged the gallant conduct of our army, he would deny, that the wisdom of our councils in India was deserving of praise.—He would now request the attention of the House to a most important fact. We had now, for eleven years of peace, been supporting a full war establishment. We were keeping up a large standing army, unequalled in any former period of our history. Our military establishment was much larger than the military force we maintained during the American war, which was considered a war of great extravagance. He would call on the House, if they wished to see any relief afforded to the people—if they wished to see the property of the country protected from the hands of the tax-gatherer—to pledge themselves to an honest and scrupulous revision of the public expenditure. He wished the House to proceed, without any delay, to the examination and revision of every one of those public establishments, which the right hon. gentleman said he would be able to defend. When multitudes were wanting bread, it was not, to say the least of it, courteous in the government to put off the consideration of the complaints of the sufferers to an indefinite period. If gentlemen would revert to the proceedings of the last parliament, they might recollect the anticipations that were held out by the Opposition side of the House, that, by a continued reduction of each head of taxes, they should find the country, after a peace of ten years, prepared, in case of necessity, to vindicate its character, and to defend its rights against all aggression. It was then alleged, that by continuing our war establishments in time of peace we eventually should not be able to act with spirit and independence in our foreign relations. That period had now arrived. We were not at this moment in a situation to treat foreign insults as we ought to have done. It might appear to the right hon. gentleman a mere trifle, that government only exacted, at the present moment, ten millions for the army, or that the aggregate demand upon the country was fifty-nine millions a year. Let the right hon. gentleman look back, and conceive the situation in which the country was placed by his refusing to make those reductions, which ought to have been made in the year 1817, agreeably to the recommendation of the Finance committee. By this retrospect, he would at once see what great and important services he could have rendered to his country, had he stopped the lavish expenditure then going on. In the last nine years, the amount of taxes had been enormous. From 1817 to 1825, the tax-gatherers had collected not less than 5[illegible]1,000,000*l.* sterling, that was to say, on an average, 59,000,000*l.* a-year had been taken from the productive industry of the country. The question now was, whether they ought not to stop short, and avert the evils into which this system of extravagance had thrown it? One hundred and forty-two millions had been paid for what was called the peace establishment of the country. To his mind, the cause of all the distresses of the country was so evident, that he was

surprised that that class—the agricultural—whose property must so materially suffer, did not see that taxation was the canker-worm—the dry-rot, that undermined their property. This was the evil to which they ought to apply the remedy. The extravagant expenditure of which he complained had not been confined to the army and navy. The civil establishments had averaged more than 26,000,000*l.* a-year; whilst our debt, on an average, had increased by three millions a-year. It ought to consider whether parliament, in its first Address to the Crown, should not manfully pledge itself to a scrupulous and rigid examination of all the public expenses, with a view to effect every reduction consistent with the safety of the country. The House ought not to be, and the country would not be, led aside from this paramount object, by the high-sounding words of the right hon. gentleman. Good God, what a situation did the country stand in! He would ask any hon. member to name the country where privation, distress, and positive starvation, were equal to those which at present pressed upon the population of this empire. The evil had arrived to such a magnitude, that it endangered the very existence of the state. However exemplary the conduct of the people had been under the cruel circumstances into which they had been thrown, it was impossible for the evil to continue much longer. Would government expect the people to lie down and starve? The table of the House would be loaded with petitions upon this subject. Some petitioners would pray for banishment—others would pray for any possible relief from the acuteness of their sufferings. Could the House refuse to such people the declaration that it would immediately direct its attention to their wants? If, upon inquiry, it should appear that the present expenditure was proper, he would not object to things remaining as they were; if otherwise, they were in duty bound to relieve the sufferings of those who surrounded them.—He would say, that taxation was not reduced, and that the public establishments were even increased. He would state one instance. The great war expenditure was in the army, navy, and ordnance. A reference to the papers on the table of the House, would show, that these heads of expenditure were brought to the lowest pitch in 1822; agreeably to the wish of the House, and the Address to the Throne. In that year, 1822, the army, navy, and ordnance amounted to sixteen millions, in round numbers. In 1823, when they had a Speech stating to the House, that great reductions would be made in the estimates—in that very year, those estimates were increased by half a million sterling. In the following year, these estimates were raised to 17,500,000*l.* In 1825, the same amount was continued; and, in the present year, those very estimates, which in 1822 amounted to only sixteen millions, were no less than 17,800,000*l.* being an increase to an amount which ought to induce the House not to let the present moment pass, without expressing their opinion, that it was by taxation that the present evils had been brought on. An hon. friend on his left (Mr. Baring) was frequently introducing the subject of the currency to the House. He would ask that hon. gentleman, and the country gentlemen at large, who it was that had to bear the load of this continued taxation? Let them compare the relative situations of England in 1817 and 1818, after the termination of the war, when their property was of high value, in relation to the currency. He would ask these country gentlemen whether, now that the currency was raised in value by twenty-five per cent, they were able to pay the same amount of taxation which they before paid? He would beg these gentlemen to consider the manner in which they had to discharge their obligations. In 1817, the amount of taxation might be estimated to equal 15,000,000 quarters of corn. They were now called upon to pay 17,000,000 quarters. The actual difference was at least 1,500,000 quarters, and which was to be paid for taxes, in many cases, quite unnecessary and extravagant. He would advise the country gentlemen to look well to their situation, and not to be led astray by false or empty boasting, that the country had been relieved from taxation. When they settle their accounts at the end of the year, they will find themselves much worse off than at the end of former years. Was there a man in that House who could say that the situation of agricultural labourers was to be envied, in comparison to that of other classes? Every class and interest was suffering, and such deep and general evil could not depend, as was pretended, upon a casual cause. The source of the evil

was deeply rooted. It was lamentable to see the sufferings of a people that were enlightened by instruction, and placed in a situation to appreciate benefits, or to feel the evils that press upon them. It was afflicting to see such a people raised to pride and the keenness of sensibility, by knowledge and intelligence, and yet pressed down by want and every sort of mortification. This was to be accounted for only by taxation. If no relief could be afforded to them, let them have at least the consolation to feel that the House had done its duty. There was not a merchant, a manufacturer, or an agriculturist, who could deny that property was depreciated. Profits were reduced, if not totally annihilated. He should repeat that, if ministers were not able to give relief to the country, they ought at once to say so. They wished to get over the evil day, and leave the result to the chapter of accidents. The final evil might fall upon their successors. This might be very well for those who calculated solely upon the tenure of office, and viewed the possibility of removal; but it was not so for those whose capital and property were affected by such conduct.—With respect to our foreign relations, he conceived that England had no business to meddle with foreign countries. She had enough to do with her own affairs. She had it in her power to be comfortable and secure within herself, and therefore need not interfere with other countries. The people would not bear to be taxed so enormously, to pursue the present line of foreign policy. With respect to Portugal, the House would not do its duty if it did not inquire whether such conduct ought to be pursued. This being his opinion, he was led to believe that ministers were not aware of the situation in which the country was placed. If they were, it would be impossible for them to speak in so cool a manner of the general distress; nor could they maintain so great an army, merely to cope with the military despots of the continent. He saw in government a disposition to render the military power paramount in England. The institutions of the country were all civil, but the military was tampering with the civil power, and interfering in a manner that ought to be stopped. He spoke not of any individuals, but of the system generally. Ministers had thought proper to congratulate the country, that there existed no apprehensions of a war. If this were so, what necessity was there to keep up a standing army of 86,000 men? If the right hon. Secretary would direct his agents at each foreign port to send him an account of the population and taxes of the country in which he resided, he would find that England stood unequalled in amount of taxation. Every English person, man, woman, and child, paid every year at the rate of 3*l.* 10*s.* a head in taxes. In no other country did the people pay half as much. When the French revolution led us into war in 1793, the taxes amounted to only 16,000,000*l.*, and every individual was comfortable in his class. Let gentlemen look at France at the present moment. She was prosperous and happy: every man there had enough, whilst in England it was directly the reverse; scarcely any of the labouring classes had more than the bare means of existence. The rental of England was estimated at 40,000,000*l.*, and more than the rental by one half was extracted from the people.—He would now advert to the Corn-laws. The ministers had promised to meet this subject, and the plan they now proposed was trifling with the people: it was equally an insult to those who supported, and those who opposed the Corn-laws. If the Corn-laws ought not to be maintained, what time could be more proper than the present to alter them? Every man in England looked for that alteration at the present juncture. Every public assembly had agreed on this subject, not as formerly, by divisions, or with difficulty; but each meeting had carried its Address unanimously, for taking these laws into consideration. Landlords, like other people, were bound to take care of their own interests; but, on the other hand, he entreated them to consider, whether it was not material to all connected with them, to have the question decided?—There was another subject on which he had wished to expatiate. There ought, in his opinion, to have been a statement from the Throne, recommending a revision of the whole of the civil law. At present, the process at law was endless, expensive, and most uncertain. Its evils had never been exceeded. Could any people sit down content under such a state of civil law? The criminal law had been, by every body, condemned as were beyond reason, and in every respect improper to exist in a Christian country. It would be a sad reproach to parliament

if some measures were not taken upon this subject. Upon this point, it was his intention to place upon record his opinions, however humble.—One other topic, and he should have done. He meant the state of Ireland. Any man, looking round him, and anxious to select that place upon the globe most subject to misgovernment and abuse, would, at once, select Ireland as the unhappy spot. Taking into consideration the circumstances and situation of that country, one was at a loss where to begin, or what to say. The entire state of things in Ireland called for revision; and he hoped that that revision would be both speedy and effectual. There was a viceroy established in Ireland, which there ought not to be. That office ought to have been removed at the Union, and he hoped it would not be allowed to continue much longer. But the viceroy was not all. There was, in addition, an Irish secretary, who was placed as a check upon the former; and his Majesty's ministers thus succeeded in obtaining that which had been so long the wish of all the nations of Europe—the establishment of a balance of power; nay, after this doctrine had been scouted by other nations, it had, by the wisdom of our government, been transferred to Ireland. While the present system was pursued in Ireland, it was impossible that the people of that country could obtain a full and equal share of those rights and liberties to which, as British subjects, they were entitled. Ministers had not, on the present occasion, advised his Majesty to recommend a single measure, even, of inquiry into the present state of Ireland. It appeared that they had not made up their minds upon that question. But, if they had not made up, or could not make up, their minds upon it, they ought not to stand in the way of others. He was aware that a part of his Majesty's ministers were willing to extend to Ireland the blessings of the British constitution, and thus put an end to the anarchy which at present reigned in that country. Was it to be tolerated, that England should be obliged to keep an army of 22,000 men continually in Ireland, in order to govern and keep her in the situation of a conquered state? This army too, be it remembered, was paid [illegible] supported by England. Why [illegible] nce take away 15,000 of them [illegible] men? He maintained, that if [illegible] branches of unnecessary expense the in Ireland were cut off, a saving of no less than three millions might be made. Ireland might then be made a source of profit, instead of being not only a millstone round our necks at present, but a check and impediment hereafter to future exertions. It was the duty of that House to compel ministers to this inquiry; it was their duty to compel them to probe the wound and to apply the remedy. The people of Ireland were led to expect this, from what took place in the last parliament; and he implored the House not to let their expectations be disappointed. Let them not go on, experiencing delay after delay, until the bitterness of hope deferred should drive them to the phrenzy of despair. He cautioned government not to go too far in neglecting the complaints and the sufferings of that misgoverned country, but at once to come manfully forward, and grant to them those rights and privileges which the constitution bestowed equally upon all British subjects. By doing this, they would prevent England from being any longer the scoff of Europe. "Where," said the other European nations, "is the boasted equality of England? How dares she to hold herself up as a free and generous nation, while she denies to Ireland an equal participation in her rights and privileges?" It was the duty of parliament to call upon ministers not to delay a single hour the removal of this foul injustice to Ireland, and of this blot upon the English name and character. How could we expect peace and unanimity in Ireland while she was kept in the situation of a military garrison? But let the legislature remove the cause of irritation in that island, and it might also remove the garrison: let equal rights and privileges be given to all classes, and then instead of a discontented and irritated population, we should have a set of loyal and valuable fellow-subjects. It was not, however, to be expected, that without such concessions Ireland could be satisfied. The great mass of the inhabitants of that country could not be satisfied while they were excluded from their birthright as British subjects. And for what? What was their crime? The only one was that of adhering to the religion of their forefathers. This, he contended, was a subject which ought to engage the attention of the new parliament. At all events, he would give them an opportunity of expressing their opinions upon it. Would

it be contended, that the system we had pursued, and were still pursuing, towards that unfortunate country, was consistent with sound policy? He had not heard any man hold such an argument. The system was, he would maintain, unjust: it was decidedly contrary to the dictates of the religion we professed, and therefore he called on the House to join with him in pledging themselves to do to that country what was only an act of common justice. Looking at the state of Ireland, and the condition of part of our country, could any one say that our situation was an envious one?—with famine staring us in the face; with a people divided against each other, and with an enormous military establishment, which might be saved if conciliatory measures were adopted. He did not mean to say that our case was desperate; but it might be rendered so, by retarding measures which would be acts of justice, and which must produce conciliation. Let the legislature act in a straight-forward manner; let them unite the interests of the two countries in reality as well as in name; and by so doing enlist in their support a population with hearts as bold and generous as ever warmed the breasts of men. He implored the House not to give such a population cause to entertain adverse sentiments towards them, by the continuance of measures which must drive them to despair. He had stated his opinions on this subject with warmth; but he had stated them with sincerity. He had spoken what he felt, because he thought it was the duty of the legislature to meet the difficulties of the country boldly, and not to shrink from the important task of endeavouring to find a remedy. It had been suggested to him, that as an Amendment, his resolution must be moved in place of the Address, or part of it; but as there was no part of the Address, from which he dissented, he would move that his own be added at the end of the one already before the House. It was as follows:

"That we rejoice with his Majesty in the happy understanding that subsists between his Majesty and Foreign Powers, and confide in the continuance of a peace which it promises for many years to be the interest both of the Sovereigns and the Nations to maintain: and we the more rejoice in this state of the public affairs, because it takes away all ground and pretext for maintaining a large standing army, which we cannot help regarding with extreme jealousy, as being contrary to the spirit of our institutions.

"That we should ill discharge the duty we owe to his Majesty, if we did not direct his most serious attention to the present condition of his faithful people, which we are bound to represent as one of grievous suffering and privation, unequalled, perhaps, in this country; and as inconsistent with its peace as with its happiness and prosperity.

"That the situation of the country, with an embarrassed trade, a greatly declining revenue, and an enormous debt, does not warrant the longer continuance of the expense at present incurred in the support of the pensions, sinecures, and the different establishments of his Majesty's government.

"That we most respectfully represent to his Majesty, that an excessive taxation, disproportionate to the reduced value of property, and to the diminished return for the capital employed in the land, in manufactures, and in commerce, is a principle cause of the existing distresses; and in order to relieve his Majesty's loyal peaceable and suffering people, his faithful Commons will proceed immediately to the examination and revision of every establishment at home and abroad, from the highest to the lowest, with the view of effecting the largest possible reductions consistent with the security of the commonwealth:

"To assure his Majesty that we fully appreciate the progress made by the late parliament in removing restrictions on trade and commerce; but we, at the same time, deeply lament that his Majesty has not been advised to call our immediate attention to the repeal of those injurious laws, which prevent a free trade in corn, so essentially necessary to the sustenance and comfort of the people, and to the prosperity of the state; and to assure his Majesty, that we will proceed without the least delay to the consideration of that most important subject:

"To congratulate his Majesty on the progress made in the last parliament, in the revision of the civil and criminal laws, and to assure his Majesty, that this House will assiduously direct their attention to the further correction of the severity of the criminal laws, and to the revision of a system, in which a great degree of uncertainty exists, as to men's rights, and under which justice can only be obtained at an

enormous expense, and with vexatious delay:

"To express to his Majesty the necessity of our taking into early consideration the constitution of this House, with a view of rendering it what it ought to be—the real representative of the people, instead of its being, as at present, to a considerable extent, the representative of partial interests, and of a comparatively small number of individuals:

"To express to his Majesty our regret, that his Majesty has not been advised to recommend the state of Ireland to the consideration of this House; and to assure his Majesty that of all the subjects of our deepest interest, there is none we have more at heart than the oppressed and alarming condition of the Irish nation: excluded from their rights as British subjects, for no other crime than an adherence to the worship of their fathers, their feelings are excited and exasperated; and, while the majority of the people are stigmatized and degraded for their religion, the nation enjoys neither mutual confidence nor domestic quiet; and must continue in a state of disaffection, discord, and anarchy, until their grievances are redressed:

"That your faithful Commons further regard with the most serious apprehension, the continuance of a policy which tends to produce in the Irish people a feeling of alienation from the English government, inconsistent with that unity of interest which should subsist in an united kingdom; and this House will, therefore, take into immediate consideration the best means for speedily redressing their grievances, as the only effectual m[illegible] conciliating their affections, and [illegible]ly cementing the union of the t[illegible]

"To thank his Ma[illegible] been graciously pleased [illegible] the House [illegible] together at this e[illegible] from the throne, these important la[illegible] member, obliged to templation, we [illegible] of one subject which the requisite inqu[illegible] have been mention- before the usual ti[illegible] present state of of the year." [illegible] in all that had

Mr. *Marshall*, [illegible] ver and seconder rose to second th[illegible] the sympathy observed, that he [illegible] distresses of trespass on the indulge[illegible] of the same by going into all the [illegible] not but re- into the amendment [illegible] Majesty had[illegible] member for Aberdeen [illegible] in Ireland to call the attention of [illegible] the bo[illegible] the extraordinary situation in which the country was now placed—a situation, which, in his opinion, required their immediate and particular consideration. We had now been, for a considerable period, in the enjoyment of a profound peace, when we had a right to expect a diminution of the country's burthens, and an increase of general happiness and prosperity; and yet, in his own neighbourhood, the working classes of society were reduced to the most severe and unequalled degree of want and suffering: they were subject to the greatest privations, and were in want even of the common necessaries of life: and yet the nation was subjected to a scarcely supportable burthen of taxation. That taxation was, it was true, reduced a little in nominal amount; but, at no time was it greater in value, or more severely felt; and this, too, at a period when the higher ranks were relieving themselves from the pressure of taxation, by a monopoly of the greatest necessary of life; he meant, that of wheat; a monopoly which must injure and press upon the great bulk of the nation. He was sure he was expressing the almost unanimous opinion of the great county which he had the honour to represent, when he stated, that they wished for a revision of the Corn-laws, and were anxious that the House should take the subject into its immediate consideration. The distress and deprivations existing in the manufacturing districts were at this moment very great; and he seconded the motion of his hon. friend with the utmost sincerity, as he considered the suggestion[illegible] which it contained were most suitabl[illegible] the present occasion, and merited th[illegible] attention and consideration fro[illegible] new parliament.

The [illegible] Address, together with the additi[illegible] amendment having been read [illegible] put by the Speaker,

[illegible] expressed his regret at [illegible], by the King's Speech, that ministers had not advised his Majesty to recommend any inquiry into, or remedy for, the distresses which were, upon all hands admitted to exist in the country. It had, indeed, been stated by the right hon. secretary, that it was the intention of ministers to propose a permanent law with respect to the introduction of corn, which law would, at a future period, be brought under discussion. But he would ask the House, whether, after this meeting, they ought to separate without giving the

country a pledge of their intention to do something upon the important point touched upon by his hon. friend; and whether they were not the more bound to do this, because of that great subject having been, he must say, most improperly postponed last session. The right hon. gentleman opposite had, he thought, committed himself, as far as man could without a positive pledge, that this question should have been discussed in the last parliament; and yet the session had passed away without any proposition of the kind being laid before the House. It was obvious that the law could not be allowed to remain in its present very unsatisfactory state. He had last year voted with the right hon. gentleman for the repeal of prohibitory duties, and for allowing the free export and import of articles subject only to certain fixed duties; and he had asked then, why corn should have been exempted, and be the only article subjected to a prohibitory duty? And had not, he would ask, the public a right to complain that this subject had not been brought on for discussion before? He had fully supported the measures which relaxed the system of prohibitory duties, but he thought that they ought to have been the last, and not the first. The first article from the import of which the prohibitory duties should have been removed was that which constituted a necessary of life. They were told that this subject was to be introduced; but what guarantee had they that it would be brought forward? The right hon. Secretary had given a pledge to that effect, and he felt glad that they had his pledge, but the pledge ought to have been in the Speech from the throne. It had also been stated, that taxation would be reduced; but that was a pledge which was given every session, without being productive of much reduction of expenditure. If any reductic were really intended, it ought to he been noticed in the Speech from e throne, from which quarter the propositic would have been graciously received; bu in that Speech not a word was said abou reduction. In fact, it was in that, an many other respects, most unsatisfactori deficient. It was to have been expecte that, at the opening of the first session a new parliament, the Speech from the throne would have alluded to some of the leading topics which were to become the subject of discussion; but, instead of that, it was silent upon all the topics which were likely to be brought forward. Under these circumstances, he thought it was the duty of the House to support the Amendment moved by his hon. friend. He would ask any hon. member, whether he could, on retiring from the House, say he had faithfully performed his duty to his constituents, if he refused to support the addition now proposed? The disease under which the country laboured was admitted; and yet not a word was said about the remedy. If the remedy was not proposed in the amendment, they had at least a means of coming at it by the inquiries to which the House was there pledged; for he would contend, that if all the topics there mentioned were gone into, the result would be most advantageous for the country. Considering the divided state of the cabinet on that subject, he was not surprised that the state of Ireland was not noticed in the Speech; but still he must lament that that large arm of the empire should be almost paralysed by the system practised towards it; for he could not but believe that a state of anarchy must be the result of a continuance in such measures. Under these circumstances, he did not think he should perform his duty if he did not support the amendment; and therefore he would vote for it with pleasure, for he never heard a Speech from the throne less satisfactory, or which would lead the public to expect less. They were told that the condition of the people was improving; but the great disease under which they laboured was taxation, and a reduction of expenditure would be the only cure. Yet not a word was said [illegible] prospective reduction. They had [illegible] repeatedly told, that the countr[illegible] relieved from taxation to [illegible]ount of 20,000,000*l*. [illegible] comfort of the[illegible]itively denied. The prosperity of the state [illegible] of proof. Suppose, Majesty, that we will [illegible]mount of our taxes least delay [illegible] the con[illegible]00,000*l*., what, he most important subject [illegible]ency in which that "To congratulate h[illegible] paid? The taxes progress made in the [illegible]ency, the value of the revision of the ci[illegible] the then chancellor and to assure his M[illegible]t once stamped and will assiduously dis[illegible] right hon. gentleman the further correct[illegible] that a one-pound note criminal laws, an[illegible] worth a metallic guinea, system, in which [illegible]llic guinea was at that time exists, as [illegible]s. or 28*s*.; so that, in point justice [illegible] one-pound note was

worth no more than 15*s*., and, therefore, for every one-pound note extracted from the pocket of each individual, he paid no more than 15*s*. taxes. How, then, could it be said that 20,000,000*l*. had been taken off, when we were now paying 20*s*. for each pound of taxes; no matter whether we paid in paper or in a metallic currency? So that 60,000,000*l*. of taxes of this time would exceed 72,000,000*l*. during the war. These were subjects which were unpleasant to some gentlemen to hear, but their explanation was of the greatest importance to the country. In the most prosperous state of a nation's affairs a reduction of all unnecessary expenditure was requisite. How much more necessary was it, in a period of distress and privation like the present? If the original Address was carried, no doubt parliament would, in a few days, be adjourned over the holidays—ministers merely taking a grant of perhaps 10,000,000*l*. on the estimates, which would be submitted to them at a future period. But, if they carried the amendment of his hon. friend, they might go on sitting, and thus they would have time to examine the estimates minutely before they granted a single vote. By adopting this course, they would also avoid the charge so frequently made against them by ministers; namely, that of having advanced money on account of the estimates for the public service, and then objected to its application. For himself, he was determined to resist any grant, on account or otherwise, until he had submitted to the House the motions which he intended to make for the reduction of taxation, before any of the estimates were voted.

Mr. *Alexander Dawson*, member for Louth, said, that though he fully agreed with many of the points contained in the gracious Speech which the House had that day heard delivered from the throne, he was, as an Irish member, obliged to deplore [illegible] mission of one subject which he cone[illegible] or other[illegible] to have been mentioned in [illegible]ges by a pecu[illegible] present state of Irel[illegible]thing which se[illegible] in all that had bee[illegible]sts. He trusted[illegible]ver and seconder of t[illegible] present session[illegible]ng the sympathy whi[illegible] satisfaction of[illegible]or the distresses of the[illegible]ddress, that th[illegible]; but, at the same ti[illegible]olics could [illegible]e could not but reg[illegible] only to them,[illegible]y of his Majesty had n[illegible]enters [loud crie[illegible]his people in Ireland. H[illegible] danger to chur[illegible]it was the bounden duty of ministers, who must from their situation be acquainted with the condition of Ireland, to have informed his Majesty, and to have advised his Majesty to inform the House, that the present state of Ireland called for the attention of the legislature as forcibly as the distresses of Manchester and the other manufacturing towns of England. It was true that in Ireland the people did not feel so severely the deficiency of the necessaries of life, but then they felt distress of another description, which pervaded all ranks of society, and wrung the bosom of every reflecting man in Ireland. There existed in that unfortunate country an alienation of feeling, an estrangement of man from man, which rendered it disagreeable to live in Ireland. In vain would English capital flow into it; in vain would schemes of amelioration be projected and tried; as long as one class of its inhabitants was busied in inquiring into the religion of the other. That consideration made him feel, that though the pecuniary distresses of the people of England were a proper subject for legislative interference, the other distresses of the people of Ireland were not a whit less deserving the notice of parliament. It was not enough for ministers to get up in their places and say, that any individual member might bring the state of Ireland under the consideration of the House; for any man, who had the least parliamentary experience, must know, that no important practical measure had any chance of success, unless it came to the House recommended from the throne, or supported by the influence of his Majesty's ministers. It was their duty to propose specific remedies, when specific grievances forced themselves on the attention of the public. It had been said, that no ministers had greater skill in reconciling jarring interests than those who at present directed his Majesty's councils; and, that they had shown that skill eminently in their management of the clashing interests of Portugal. He wished to God they would give the country a specimen of it, in reconciling the clashing interests which existed in Ireland. He entreated the right hon. Secretary for Foreign Affairs to use his unrivalled talents for conciliation in pacifying that portion of the British empire situated so near home, and so closely connected with the well being of England. He was sorry to say that, since his arrival in Eng-

land—and he had not been more than two or three days in London—he had seen accounts in the newspapers stating, that the different parties in Ireland were anxious to come to open war. He had seen accounts, in which it was declared, that one party had said, that at Armagh or some other place, "We wish for a civil war, we wish our opponents to take up arms, for we know that if they did, we could crush them," whilst the other party was equally ready to reply, "We, too, wish to have a little bloodshed; for we know that we could put down our antagonists: we do not object to war, but to the time of waging it; that time has not yet arrived; it will, however, arrive soon; therefore, we advise you to mind what you do." Such was the sum and substance of the latest accounts from Ireland; and being so, he would ask the House, whether ministers ought to shut their eyes to it, and adopt mere temporary expedients for the safety of the empire, overlooking the great principle of all wise statesmen; namely, that of uniting man to man in society, and making each individual labour, not only for his own private advantage but for that of the public at large? He contended, that the discontents now prevailing in Ireland ought to be submitted to the consideration of parliament, and that if ministers were not provided with specific measures to allay them, they ought to recommend to parliament an immediate investigation into their origin, nature, and extent.—Much had been said, in the course of the debate, about economy. He allowed economy to be a virtue; but still it was necessary that the dignity, as well as the safety, of the government should be maintained. There were many ways, however, of consulting economy, without at all injuring either the safety or the dignity of the government; and one of them was by making the country governed happy, and by rendering its inhabitants contented with their institutions. If such a plan were adopted towards Ireland, the people of England might get rid of a great part of the enormous expenditure they incurred, in supporting a large military establishment: they might get rid of at least 15,000 troops, the maintenance of which was not only a heavy incumbrance on their resources, but a deep disgrace of their national character; for amongst a free people every man ought to be ready to act as constable without having any occasion to call in a man in a red coat to assist and defend him. The hon. gentleman next proceeded to contend, that there were not only considerations arising out of the internal condition of England and Ireland, but also considerations derivable from the external circumstances and condition of foreign powers, which required the House to enter into an immediate investigation of the religious differences in Ireland. Let them look around at the other nations of the world, and see how they had disposed of their religious disputes. Let them look first of all at America. There had been some quarrelling on religious grounds among the inhabitants of that country, but it had never proceeded to the length of murder, firing, assassination, and all the other dreadful evils which had been perpetrated in Ireland. Those quarrels were now happily appeased; for every man in that country had been recently placed upon an equality as to political rights. That was the plain and simple state of the case; and he defied any one to deny it. It had been said, that America was a new country, and that the institutions which were most beneficial there were not, on that account, to be deemed equally applicable here. The observation might be true; but he could hardly suppose that what was in good theory, and was also advantageous when reduced into practice, was not applicable in every country under Heaven. Passing, however, from America, let them look at what had occurred in France. At the present moment there were no religious disputes there. He allowed that shortly after the Bourbons were restored, there had been some religious excesses in the south of France, but they were soon put down, and nothing of the kind had been heard of since. And why? Because there was in France no distinction about the admission of persons to civil offices founded on the difference of religious creeds. France, Cat[illegible] France, had not only done that [illegible]y in whic[illegible]d gone further; and wh[illegible] paid? The com-petent maintenan[illegible]ency, the valu[illegible]rgy, she had also affor[illegible] the then chancel[illegible]nuc for her support [illegible]t once stamped a[illegible]rgy in her empire. [illegible]right hon. gentlem[illegible]ost clearly that there [illegible]at a one-pound no[illegible]lo-licism itself which [illegible]th a metallic guinea[illegible]l-lowers from living [illegible]guinea was at that[illegible]y with their Protesta[illegible] 28s.; so that, in[illegible]s. From France he wo[illegible]-pound note was[illegible]r-

lands, and there we might see an example which was worthy of our attention. The king of the Netherlands, little more than three weeks since, had opened his parliament with a Speech, in a manner somewhat similar to that in which our gracious sovereign had, this day, addressed the new parliament here, and, in that Speech, the king of the Netherlands congratulated them, that all religious dissentions in his kingdom were at an end, owing to some communications which had recently taken place between the church of the Netherlands and the See of Rome; and had further stated, that, in his dominions, no difference should be suffered to exist, in any manner, between his Catholic and Protestant subjects. How long was it possible that this country could look on these examples with indifference? The hon. seconder of the Address had agreed, that the case of the Catholics deserved consideration, but he had also expressed his fear of having any-thing further done, lest it should destroy the establishment of the Church of England. If the concessions were likely to produce such an effect, he was sure there was not one man in that House who would approve them; but he contended, that they would not injure either church or state; and, indeed, if the church were founded, as he believed it to be, upon the rock of truth, he should like to know how it could be injured by them. If, then, the concessions were likely to do any injury to the church, it must be an injury to the temporalities of the church. Now, those temporalities were in the hands of the clergy, and from all that he had ever heard of them, they were not a class of men likely to part with them without a struggle. The Catholics of Ireland did not ask for any share of those temporalities; all they asked for was, to be put upon an equality with their Protestant brethren. How that could, by possibility, harm the temporalities of the church, no man could see, except the clergy, who, somehow or other, had been distinguished in all ages by a peculiar sensitiveness to every thing which seemed to affect their interests. He trusted that, before the end of the present session, it would be proved, to the satisfaction of the hon. seconder of the Address, that the privileges asked by the Catholics could be granted to them, and not only to them, but to all classes of Dissenters [loud cries of "hear"] without any danger to church or state, or to the temporalities of either.—He hoped he had now made out a case sufficient to prove that his Majesty's Speech ought to have alluded to the state of Ireland, not only on account of its internal, but also on account of external circumstances. With respect to the Corn-laws, he had only to observe, that the present system had been proved to be prejudicial, by the necessity which had compelled ministers to come forward with a practical measure, in direct contravention of the existing law. He did not approve of the postponement of the discussion upon them; because he thought that ministers ought to have considered the question thoroughly during the late vacation; especially as they had sent out agents to different parts of Europe to collect every kind of information upon the subject. The hon. gentleman sat down amidst loud cheering, with thanking the House for the indulgence with which they had attended to his observations.

Mr. *Western* said, that, with all the respect which he felt for his hon. friend, the member for Aberdeen, it was impossible for him to come at once to a sweeping condemnation of the whole system of Corn-laws, on which the country had so long acted. He trusted that, whenever the House entered upon the discussion of those laws, it would do so with calmness and temperance; for upon no subject was it more necessary that they should set an example of calmness and temperance to the public. He conceived his hon. friend to be egregiously mistaken in supposing that the higher classes of the country, and more especially the landholders, were anxious to shift the burthens of taxation from their own shoulders to those of their poorer fellow-subjects. In entertaining such a supposition, his hon. friend had been led astray by prejudices which he must be permitted to call illiberal. For his own part, he could not help wishing that it had been convenient for the House to go forthwith into the discussion of the Corn-laws; and therefore he agreed with that part of the amendment which deprecated the postponement of that important question. He was likewise of opinion, that the House ought to give to the public a more formal pledge than usual, that it would enter without delay into the retrenchment of all unnecessary expenditure; but he would not go the length of his hon. friend in reducing our establish-

ments so low as to disable us from defending our old ally, Portugal, if she were assailed from any quarter. He did not think it wise to disunite the interest of England entirely from that of the continent, nor to lessen that influence which we ought to exercise upon it, and which we had exercised so beneficially to the rights and independence of the various nations of Europe. He conceived that the House was bound to institute an inquiry into the cause of the distress which at present pervaded the commercial, manufacturing, and agricultural, classes of the community; for, by so doing, we should be enabled to guard against the recurrence of it. The House was also bound to inquire into the state of Ireland. It was unnecessary for him to say a word upon that subject, as it had been pressed most ably upon the House by the hon. gentleman who had just addressed it with so much effect. His hon. friend had referred to the present state of the currency. Had he been blessed with health and strength, he would beyond doubt have brought that subject once again before the consideration of parliament; for, in his opinion, whatever calamities had surrounded us for some time past, and were surrounding us still, until some such steps were taken, the country would never be free from those alternations of high and low prices which it had been subject to since the conclusion of the peace in 1815. He contended, that it was the vicious state of the currency that rendered the taxes so intolerable. They were paid in a shape which made them twice the amount in value, of what they were when first imposed. If the act of 1819 had been carried into complete operation, and had not been frittered away by subsequent enactments, the commerce of the country would have been overwhelmed by the duties placed upon it, and the taxes could not have been paid. If the country merely had to pay the taxes in the same amount of value with that in which they had been imposed, it would have been in as proud and palmy a state of prosperity, as it had ever enjoyed at any antecedent period. If we were paying our taxes in the standard of the last ten years of the war, we should feel them, he would not say light as air, but so light that no interest of the country could be at all affected by them. In conclusion he said, that he was anxious to support the amendment, but he could not do so unless some alteration were made in a particular part of it. He did not know whether he should not move an amendment upon the amendment.

Mr. Alderman *Waithman* said, he would only trouble the House with a few observations; but it did appear to him, that there was a total omission in the Speech from the throne of every subject which it ought to have contained. He contended that the distress of the country at the present time was as great as that which it had suffered at the worst period of the war, and argued therefrom, that it was particularly necessary to enter into an immediate consideration of the corn question. He believed it would not be denied, that during the war the value of land had risen in value full one-half, if not two-thirds; that every species of commodity had risen in a similar manner; and that the great inconvenience and distress which had been felt during its continuance, arose from the price of labour not keeping pace with the price of commodities. Now he would ask, whether it was reasonable, that, when there was a reduction in every article except that of food, when ministers were reducing the five per cents to four per cents, and playing other tricks with the currency, the House should uphold laws, which had no other object than to keep up the price of land and of the productions of the land? He contended, that the present system of Corn-laws, upheld the land full forty per cent, and thereby created distress, and its general concomitant, dissatisfaction, throughout the country, for who could endure with patience that his own property should be depreciated in order to uphold that of the landholder? He maintained, that ministers ought to have taken notice of the spirit of gambling and speculation which prevailed during the last year, and which had filled the Gazette with more bankruptcies than any other cause. The bubbles in 1720 had often been referred to as forming a parallel to those which had recently exploded; but he contended, that the parallel was by no means a just one, as there had been a loss upon one scheme alone in the last year, which was more than equal to all the losses put together, upon all the schemes which were devised in 1720. No measures, however, had been taken to punish the fraudulent projectors of these ruinous

schemes. In the year 1720, a proclamation was issued by the Crown, and subsequently a bill was passed by parliament, for the punishment of those who had offended, and for the prevention of such offences in future. In the Address agreed to on that occasion, the House expressly pledged itself to apply its most strenuous efforts, with firmness and resolution, to discover and redress those manifold grievances. A vote was then passed by that House, declaring, that it would not only inquire into those great public nuisances, but also that it would devise proper means for the due punishment of their authors and abettors. He said this, because he thought the House ought, in the present instance, to feel it to be a duty imperatively imposed on it to institute a similar inquiry; and if such an inquiry were directed, he believed he could produce such evidence of the enormity of many of these speculations—of the ill effects which had flowed from them throughout the country—of the gambling, the loss, and the ruin, to which they had given rise—as would induce the House to take some decisive steps, with respect to those who had projected and supported them. This, he was sure, he should be enabled to do, if the House thought proper to investigate the subject. He was sorry to say, that in touching on this question he felt a great deal of difficulty. And why? Because the names of many honourable members of that House—the names of several gentlemen who had been long esteemed and respected—were mixed up with some of those transactions. But, however blameable they might be for want of foresight—however blameable they might be for rashly lending their names to such speculations—he hoped they would be enabled to get rid of any charge connected with the fraud and trickery by which some of these schemes were characterized. And here he felt it right to declare, with respect to one individual, an honourable member of that House, that if it were proposed again to place him in the situation which he had recently held, he, for one, would call upon him for a full and satisfactory explanation of his conduct, with respect to some of the transactions to which he had alluded, before he would give that hon. gentleman his vote for again performing the duties of that situation.

Mr. *Brogden* rose, but, from the buz which pervaded the House, his earlier observations were not audible. As the hon. alderman had so pointedly alluded to him, he felt it necessary to say, that he had unfortunately become connected with some of those speculations to which the hon. alderman had referred—speculations which, he conceived, had grown out of the excessive circulation of the country, the small value of money, and the low rate of interest. Some of these, he believed, were of a beneficial nature, and some, he thought, were connected with circumstances of a nefarious description. With one of the latter kind—the Arigna Mining company—he was undoubtedly connected—but it should not be forgotten, that he was not the projector of that plan. He was induced to join it from the representations of persons in whose integrity he placed the highest confidence. This fact he was prepared to prove. When complaints were made as to certain proceedings of the company, he, as one of the directors, consulted with the rest, as to the course to be pursued. The consequence was, that a committee was immediately appointed—a committee of active and intelligent persons, who well understood the questions that were to be referred to it—for the purpose of investigating all the facts. The points brought forward were examined most strictly; and the result was, that he received from that committee the most positive testimonials of his complete innocence. The proceedings of that committee were laid before a general meeting; and by that general meeting the report of the committee was unanimously confirmed. There was, subsequently, another meeting called, for the purpose of removing those directors who appeared to have been concerned in the objectionable part of this transaction; and the result of that meeting was, to confirm, almost unanimously, the former proceedings with respect to him. He said "almost unanimously," because some few individuals opposed a resolution which exculpated him, while it inculpated those who held up their hands against it. The obnoxious directors were removed accordingly; there being a minority of only seven persons against the general resolution to which he had referred. It was afterwards found that there was some irregularity in this proceeding, which, it was supposed, might occasion it to be set aside; and another general meeting

was therefore convened. At that meeting, he was the object of much, and he must say, of undeserved, obloquy and abuse; but still the result of this last meeting was, to give full effect to the former resolution. The directors, whose conduct was impugned, were rejected; others were appointed in their room; and he (Mr. Brogden) was placed in the chair of that company. The proceedings had given him so much disgust, had so harassed his mind and wounded his feelings, that it was much against his will that he undertook the situation. He did so, however, in justice to his own character; because he wished to prove to the world, that he possessed the confidence which ever belonged to innocence. With respect to the company itself, he must say that it was not a bubble. He never viewed it as such. There was a rage at the time for companies; and undoubtedly he might have experienced something of the prevalent feeling. He had been engaged in several of those companies; and, he would say, that with one or two exceptions—(that of the Strand-bridge, for instance)—they had all been beneficial, not only to the public but to the proprietors. With respect to the Strand-bridge, it should be observed, that he was not the original projector of that speculation. He came into it several years after it was undertaken, and any loss connected with it was, in no degree, attributable to him. He spoke warmly on this subject, because he could not but feel—and it would be ridiculous in him if he pretended not to be aware of the fact—that, on the first day of the session, a plain allusion was made to him by a gallant officer (sir Joseph Yorke). He regretted the way in which that hon. and gallant officer, while remarking on the compliments which had been paid to the Speaker, had thought proper to allude to him. That hon. and gallant member had been, as well as himself, a member of that House for many years; and from the intercourse of civility which had taken place between them, he was rather unprepared for such an observation. He was not hypocritical enough to say that he joined the speculations that had been referred to without indulging any hope of deriving benefit from them; but he could most sincerely declare, that he never was influenced by any base or improper feeling. He had belonged to the West India Dock company, and to many other companies of wealth and importance; and he must say, that it was only in these latter days that such speculations were discountenanced—that such sweeping odium was thrown on joint-stock companies. He called on the House to mark the advantages which the country had derived from such associations. He would argue, with confidence, that the empire had been much benefitted by them. Let them look to the East India company, let them look to the Bank, let them look to their numerous bridges and canals, and then decide upon this point. All these were joint-stock companies, and were most beneficial to the country. He admitted, that a great many most absurd and nefarious schemes had recently been set on foot; but he denied that those to which he belonged were visionary. He had been charged with having connection with a great number of companies; but some of them—the Russia company, for instance—had existed since the time of queen Mary. When he was elected the chairman of the committees of that House, he was a young man, and he felt that the distinction was a proud one. Now, when his conduct was impugned, when his character was at stake, he felt it due to himself not to shrink from, but to court investigation; and he must say, when he found it reported that the worthy alderman had elsewhere accused him with having improperly possessed himself of thousands of pounds, that it was a direct and positive falsehood [Cries of order].

Mr. Alderman *Waithman* said, it was impossible for him to sit silently under such gross personalities.

The *Speaker* dared to say, that the offensive words were not intended, but had escaped from the hon. member in the heat of discussion.

Mr. *Brogden* begged pardon of the Speaker and of the House, if he had inadvertently been guilty of a breach of order. But he must say, that he saw it reported in a public newspaper, as part of the speech of the hon. alderman, that he had pocketed thousands of pounds, without any inquiry or investigation. He did not impute this observation to the hon. alderman. It might have been an exaggeration; but, as he had seen the statement, he thought that he was bound to repel it. The greatest prejudice had been excited against him through the medium of the public papers; and, therefore, he called

for full, but calm and deliberate, inquiry. He begged pardon of the House if he had said any thing improper; but his feelings had been so harassed during the past year, so many malicious statements had been sent abroad, that, as an innocent man, he could not avoid calling for justice loudly and warmly. After the animadversion of the hon. alderman, he felt himself called on to trespass a little longer on the attention of the House. He begged again to draw their attention to the circumstances connected with the Arigna company, because they were infinitely important to his justification. At the time when certain proceedings of the directors attracted the notice of the proprietors, a committee was, as he had said before, appointed for the purpose of investigation. That intelligent committee met, and they proceeded, as they were instructed, to inquire into the whole of the transactions of the society. The report which was made by them on his conduct, he would take the liberty of reading, in opposition to the calumnies that had been sent forth—that report, it should be recollected, being agreed to by the most competent tribunal that could be selected for the examination of his conduct. He conceived it was the most competent tribunal, because it was composed of persons who were thoroughly conversant with all the affairs of the company. Their report was most conclusive in his favour: it was subsequently adopted by the proprietors at large; and the same persons, after the real delinquents were removed, and new directors appointed, called upon him to fill the office of chairman. He thanked the worthy alderman for having given him an opportunity of making this statement; and he would take the liberty of reading the report to which he had alluded, for the information of the House. There were, even now, proceedings in Chancery with respect to this company; and the very first notice he received of them was through the solicitor, who stated, that though he was included in them, yet he was not at all included in the imputed guilt. He would now read the report of the committee, which was afterwards adopted by the proprietors. [Mr. Brogden here read a report from the committee of the Arigna Coal and Iron Company, No. 11, Throgmorton-street, February 2, 1826, in which they state, that Mr. Brogden has "throughout the whole of these proceedings, acted with strict honour and integrity."] In addition to that exculpatory document, he had the consolatory testimony of the chairman of that committee, that up to the month of July, he (Mr. Brogden) never was cognizant of the proceedings of the accused parties. The very day notice was received of those proceedings he did all in his power to convene a meeting of the proprietors, to consider of the conduct of those parties—that those who were really innocent might be distinguished from those who might be guilty. Of his own integrity and innocence he was conscious; and, up to the time when the disclosure was made, he knew nothing of the conduct of those persons. For two parliaments he had had the honour of filling the situation of chairman of committees in that House. It was a situation of great labour, and not of that high dignity to which gentlemen were now disposed to raise it. It required great and laborious exertion. He had endeavoured, to the utmost of his power, to perform his duty, and to perform it with zeal and impartiality. During those two parliaments he had never absented himself from the performance of his duties. He had attended in his place early and late: he believed he had acquired the confidence of the House by his assiduity; and he could most sincerely and conscientiously state, that he had never, at any time, done aught to deprive him of that confidence. He thanked the House for the attention that had been paid to him; and felt perfectly convinced, that if his conduct were brought before it, he could effectually clear his character from every imputation. He was placed in a most peculiar situation; but he would not act like some of those who preferred complaints—he would not inculpate persons who were absent—he would not attack men who could not defend themselves. He hoped some opportunity would be afforded, where witnesses might be examined, and those who brought charges might be fairly confronted with the accused. He trusted that that justice which was due to every person, of every degree, in this country, would not be refused to individuals against whom many attempts had been made to excite public prejudice, but that their defence would be heard before they were condemned. His conduct, he repeated, had been investigated and approved by the most compe-

tent tribunals, first, by a committee, and next, by the whole body of proprietors. That some most nefarious transactions had taken place, he admitted; but he was not privy to them. He had been acquitted by the unanimous votes of the committee, and by nearly the unanimous votes of four or five general meetings of the Arigna Company; and, finally, instead of being condemned, he had been absolutely placed in the chair of that company.

Mr. Alderman *Waithman* begged to assure the hon. member, that the words attributed to him were not used, neither did he mean to allude particularly to those transactions to which the hon. member had referred. He only meant to say, that various transactions had taken place with respect to different companies with which the hon. member was connected, that, in his opinion, called for the animadversion of that House; and, if he could vindicate himself from them, no man would rejoice more sincerely than he would do. He had known the hon. member, though not intimately, for several years; and in making those observations he certainly was not actuated by any thing like personal hostility towards him.

Mr. *Brogden* said, he was conscious that the words which he quoted from the papers were not true. They were, however, attributed to the worthy alderman, and he therefore felt it necessary to notice them.

Sir *Joseph Yorke* said, he believed that such a debate had never before arisen on the question of voting an Address in answer to a King's Speech. As, however, he had been alluded to by the hon. member, he felt it necessary to say a word in explanation. When he heard, on a former evening, the right hon. the Speaker described as possessing all the cardinal virtues,—as having, in fact, as many virtues as there were points of the compass—surely it was not strange for him to express a wish, that the other officers of the House should manifest equal purity and integrity. The plain charge brought against the hon. gentleman was this—that he, as a director of the Arigna Company, purchased from a man, named Flattery (a very flattering name) certain mines, full of iron and coal—with which valuable commodities Ireland was to be supplied—for the sum of 10,000*l*., while the company was charged 25,000*l*., by which means 15,000*l*. were pocketed amongst a few individuals; that of this sum the hon. member received 1,047*l*.; that, being asked to refund it, he refused, and actually kept it at the present moment.

Mr. *Brogden* admitted, that certain members of the company did act as the gallant officer had stated. Undoubtedly, an agreement was entered into that 25,000*l*. should be charged to the company as the price of those works, for which only 10,000*l*. had been paid. Of that circumstance, he, however, was wholly ignorant. He was first requested to belong to that company in September, 1824, when he had himself a small mining property of his own in Wales. He went down to his place there, and while in that country he received a letter from London, relative to the new company. He desired to have nothing to do with it; but, as reference was given to a person who was competent to give a character of the property, and as he was informed, that that person was in the neighbourhood, he applied to him on the subject. That individual gave to him such a flattering account of the project, that he was induced, in an evil moment, to change his mind. He opened the letter which he had written declining the offer, and returned a different answer. This was in the month of September, and he heard no more of the matter till the January following, when he learned that he had been elected a director. He then found, that 25,000*l*. had been stated before a meeting as having been paid for the property, and he saw the bond or instrument, with a regular stamp, for 25,000*l*. It was, therefore, utterly impossible for him to suspect any such transaction as that which had really taken place; and the very day, it was developed (and it was only done when Mr. Flattery threatened to impeach the conduct of others), he, as he had before stated, called a meeting of the directors, and required of them to state the true nature of the transaction. This they refused; and he, on the same day, went to other proprietors, and stated all that he had done. Mr. Bent also declared what had occurred. This took place in the month of July, and not till then was a discovery made of the proceedings which occurred in the preceding October. He was originally asked to take a hundred shares; and, full of the conviction that the speculation was a good one, he requested a second hundred. These were granted; and he fully believed that the sum paid to him

arose from those hundred shares, and was not abstracted from the money fraudulently procured. He had been absolved from any knowledge of the transaction. He never suspected it—he never could have suspected it. He called on the proprietors to hold a general meeting at the London Tavern, and he was there publicly exculpated. In the court of Chancery he had sworn to the truth of this statement; and those who instituted the suit had not dared to say that it was not true. They had not dared to assert that he was privy to the abstraction of this 15,000*l*., or that he was, in the most remote degree, connected with it [hear].

Mr. *Fergusson*, member for Kircudbright, wished to bring the House back to the real question in debate. In his opinion, the Address, which was so ably and eloquently moved and seconded, was not objectionable; and that ground was, he thought, sufficient to enable them to say that they agreed to it. When the topics adverted to in it were unobjectionable, he would not oppose it on account of certain omissions; especially after the assurance of the right hon. Secretary of State, that the question of the Corn-laws would be deliberately considered, and that the still more important question, which involved the happiness and prosperity of Ireland, and also of England, would receive the same serious attention. He would now shortly state why he must withhold his assent from the amendment of the hon. member for Aberdeen, to whom the country was greatly indebted. He withheld that assent, because the amendment involved a great many topics which he was not prepared—neither could the House be prepared—to discuss at so short a notice. They could not pledge themselves on the moment to come to a decision on five of the most important questions that were ever submitted to a British parliament. These subjects were, that the taxes should be reduced; that the expenditure should be lessened; that the Corn-laws should be abolished; that Catholic emancipation should be granted; and that there should be a contraction of sinecures and pensions. When, at the proper time, those questions came regularly before the House, he should not be deterred, by any consequences, from avowing his opinion, and voting according to the dictates of his judgment; but it was impossible for him to entertain them now. With respect to one of those subjects, with reference to which an hon. member had made a most forcible and touching appeal to the House, he certainly was prepared to give an opinion. That opinion was, that no civil disability should be attached to spiritual belief; that it was the general principle that ought to be pursued; and such was the opinion which he had formed. But could he dare to say, without mature deliberation, that the present system of the Corn-laws must be altered? He declared that, if called on, he should think, as an honest member of parliament, that he was not in a condition to support such a proposition. It would require long and painful investigation before that question could be decided. Indeed, he was not prepared for a free importation of grain, even with a rate of duty as the laws at present stood, although his opinion rather inclined that way. Subjects of this nature could only be understood by long discussion and serious attention; and therefore he was not prepared to vote on them.

Sir *Robert Wilson* said, that he hoped the question relating to the Corn-laws would be considered by the House, not as it affected particular interests, but with a view to the general welfare of the empire; and he was also anxious that the earliest opportunity possible should be taken of discussing and setting it at rest, as the deferring it would only contribute to keep alive animosities which unfortunately existed between two parties in the country, who fancied that their interests respecting it were diametrically opposed to each other. He had great pleasure in expressing his approbation of the speech which had been delivered by the hon. gentleman who had moved the Address. It gave the most undoubted proof of his ability and his liberal sentiments, and was at once an honour to his heart and his head. That hon. gentleman had divided the subject into four distinct topics; and, as he himself conceived that those topics were the most important which could at present be offered for the consideration of the House, he would follow that example. With regard to the first—the indemnity to be granted to ministers for their admission of foreign oats—it was a matter which could admit of no discussion, as it was not possible that two opinions could be entertained respecting the propriety of a measure so evidently beneficial, and, indeed, so absolutely necessary for the

preservation of the country. With regard to the second—that of the Indian war—whatever difference of opinion there might be respecting the origin of this war, there could be no doubt either as to the merits of the troops who were engaged in it, or as to the propriety of its happy cessation. He now came to the third point, which, he must confess, interested him still more than either of the former—this was, our foreign relations, which were intimately connected with the dignity, the independence, and the security of the empire. The right hon. Secretary had justly told the House, that this was a most important subject for consideration; inasmuch as it was essentially connected with the establishments of the country, and must have a great influence upon the measures to be submitted to the House. The hon. member for Montrose took a different view of the question. He thought, that as this country was an island, it had nothing to do with foreign relations. He (sir R. Wilson), however, was of opinion, that no consideration could release the government of England from the duty of watching over the interests of the nations of the continent, and of this country, relatively to the former. The wisest statesmen had found the protection of foreign nations an object worthy of their most sedulous attention. The economy which would deprive a government of the means of exercising that vigilance and control, would be an economy of national dishonour, and, together with disgrace, would bring a ruinous expenditure. He and his friends had refrained, during the last session, from pressing this subject upon ministers, being unwilling to embarrass them with premature discussions, or to give occasion to the unfavourable impressions which their silence on questions of such moment would produce. They had hoped that events would arise which would justify their forbearance, and relieve them from any censure for a supposed remissness in this branch of their duty. But the time had now come when it was impossible for him to continue longer silent, and to suffer it to go forth to the world, that he took the same complacent and delusive view of the state of Europe in which ministers and others were so much disposed to indulge. He did not mean to question the eminent services which the right hon. gentleman had rendered to his country. He did not mean to deny that he had raised her from a low state of obloquy to a very high degree of estimation; and he was convinced, that the right hon. gentleman, on the occasion of his recent visit to the capital of a neighbouring country, must have felt satisfaction and pride, and must have found motives of encouragement to a perseverance in the system of proceedings which he had commenced. He must have seen that he had secured the approbation and the respect of all who really wished for the good of mankind, and that his measures were felt as those which resulted from a correct view of the interests of humanity. But the right hon. gentleman must know, that, although much had been done, much still remained to be done; and he would have a mean opinion of that House, and of his countrymen generally, if they could be indifferent to the state of Europe. Instead of the condition of European affairs presenting a subject for complacency or congratulation it appeared to him that their aspect never, at any period, was more cloudy, more cheerless, more menacing, and more injurious to the system of domestic economy which it was so desirable to see put in practice. The right hon. gentleman had spoken of the dangers arising from the political condition of Portugal; but he had not told the House the causes of those effects. It would have been more consistent with the feelings, as well as the interests, of the British people, if the right hon. gentleman had told them of the cessation of those causes, by the army of France being withdrawn from the territory which it continued to occupy contrary to justice and good faith. Was not the time now come when the promises of evacuation made by France should be fulfilled? The House could not forget the avowal of the French government, that the purpose of their invasion of Spain was to overthrow a government which they falsely called revolutionary. One of their own governments partook more of that character, when the scaffold constituted the throne, and the sword was the sceptre. The government of Spain had displayed more clemency, perhaps, than any other government under similar circumstances. France had promised to retire as soon as measures should have been effected to prevent the vindictive reaction which was to be apprehended from the unsettled state of Spain. Having effected this, she still declined quitting

the country, under the pretence that it was necessary for her to release the king from all undue influence, and that she would go as soon as he had been able to organize a force sufficient for his protection. But this promise she kept no better than the former. How had she preserved her faith with regard to any one of the garrisons that had surrendered to her? Had the proscriptions ceased? Did we not daily see hundreds of Spanish exiles wandering about our streets in the lowest state of misery and wretchedness? The plea which France now set up for continuing her troops in Spain was, that she must keep them there until that kingdom had paid the debt she claimed from it. But why did not the right hon. Secretary insist, that in lieu of remaining there, she should have some island ceded to her for her occupation, and where she might be more under the control of England? He had heard it stated, that the French themselves were desirous of quitting Spain, and that they were only induced to remain there by the express wish of the king of Spain himself; but the king had no right to make any such application; and, if it were at all necessary for his protection, it was the French alone who had created such necessity. He could readily believe that the French minister himself wished the troops to be withdrawn: for it could not be forgotten, that at the great Congress he had expressed sentiments not very friendly to the principles of the Holy Alliance; but, he unfortunately had not the power to act, in this respect, according to his own inclinations and opinions: he had been obliged, notwithstanding his frequent protestations in favour of a more liberal course of policy, to suffer his own plans to be overruled and counteracted by the influence of the churchmen of France, who possessed a power the more to be dreaded, inasmuch as it did not present itself openly, but worked in secret: therefore we could not hope that Spain would be relieved from the intrusion of the French until England shall exert her direct interference for the accomplishment of this object. Would it not be better for us, then, to do this at once; had we not seen events lately take place with regard to Portugal, which confirm the necessity of our taking such a step; for had not the authorities of Spain been daily publishing the strongest invectives against the constitutional government which the emperor of Brazil had thought proper to confer on Portugal? The French had been in reality, the concealed promoters of these invectives, and had not failed to secretly exert their influence to the utmost to bring this constitutional government into disrepute, and produce its overthrow. And were we not obliged to maintain a fleet for the protection of the Portuguese government? For how many years had we been obliged to be at the expense of supporting three sail of the line and 800 marines, in the Tagus? This state of things ought not to be suffered to last. Sound policy imperatively demanded that we should immediately put an end to it. We are told, indeed, that the French had only 17,000 troops in Barcelona and Cadiz; but, as long as they were permitted to have a single flag flying in that country, we could never feel ourselves secure that the repose of Europe would not be disturbed at any moment. No time, therefore, ought to be lost. France ought to be made to remove her troops from Spain; and then, and not till then, could we put our forces on a peace establishment. But even if we looked at this question in a commercial point of view, we should find ourselves excited to the same policy; for it was a mistake to suppose that Spain and Portugal were not good markets, or that they were such despicably poor countries. We ought to recollect the enormous sums which had lately been poured into Spain; all of which would be speedily put into circulation, if the French army were removed. So that in every point of view, it was our interest to insist on the French evacuating Spain. He believed that the right hon. gentleman viewed this question in the same light, and that he was prepared to do his duty respecting it: but should ministers neglect the performance of their duty, it would then be incumbent on that House to require that we should no longer be at the expense of maintaining ambassadors at foreign courts for their protection, nor of keeping up so large a force on foreign coasts, and making so bad a use of it. He well recollected the answer returned by the right hon. gentleman, when he was asked by the hon. member for Montrose, why we sent ambassadors to small states; namely, that it was our duty to protect small states, and give them consideration. This was a liberal line of policy, and one

of which he highly approved; and he thought it would be a disgrace to that House not to act up to the spirit of it, or to permit any foreign state to usurp an authority over another independent kingdom.—Having said thus much regarding Spain, he must now say a word in reference to Naples. It was four years since the troops of France had entered Spain; but the Austrians had been six years in possession of Naples. In the latter case, as in the former, promises had been repeatedly made, and as repeatedly broken. There was yet no appearance of their departure. The inhabitants were kept in a state of the most abject subserviency by the invaders. There was actually an order in existence, authorizing any Austrian soldier to punish the slightest appearance of offence or provocation, either by word or gesture, by the infliction of one hundred blows. It was true the Neapolitans merited this treatment by their submission; but did it become this country to permit it? —With regard to another subject, it was impossible to reflect without shame and remorse upon the policy pursued towards a country not only endeared by the memory of the sages and great men whom it had produced, but rendered valuable and important by its maritime position. The Egyptian was suffered to overrun this region, to devastate its territory, and to extirpate its population. The sovereign of that nation had shown himself a man of extraordinary endowments, combined with great ferocity of disposition. In Egypt 30,000 Arabs and Nubians were organized by means of French officers, and brought into as high a state of discipline as our East Indian sepoys. But we had our Foreign Enlistment act, and while the French went in shoals to the enemies of the Greeks, we would not allow our officers to go to their assistance. This was disgraceful and shameful conduct in us, towards a people which ought, for so many reasons, to be dear to us. This was our conduct to them, when we saw the utmost efforts used by the Porte and by the pacha of Egypt, for four years, to exterminate with the assistance of other European nations, the manhood of Greece, and to carry off the women and children as slaves. The present Sultan of the Sublime Porte had exhibited the utmost energy and vigour, in carrying into effect his measures for the organization of his troops. He had shown himself a man of great ability and cunning, and knew well how to cover the lion's heart under the fox's skin. He had lately concluded a disadvantageous treaty with Russia; but, could any one think that a man who had proved himself capable of doing as much as the Ottoman sovereign had done, was not, whilst he was drinking the cup of humiliation to the dregs, sweetening it with anticipated revenge. Let the millions which this sovereign had at his disposal be once organized, and, much as he estimated the power of Russia, he would say, that he considered the Ottoman power would be the more formidable power of the two. The right hon. gentleman need say nothing more to the pacha of Egypt than this—"You must not put a ship to sea for the purpose of carrying warlike stores to Greece." That prohibition would be quite sufficient to enable the Greeks to master the Turkish power in Greece. If the Greeks could not effect that, they were not worthy of liberty. He could see no objection to the interference of this country between Greece and the Pacha of Egypt, who carried Greek women into slavery. The principle upon which this country attacked Algiers was, the carrying Europeans into slavery. Now was the time, or never. Every assistance ought to be given by our government to the Greeks; and then that people would achieve their independence if the right hon. gentleman could persuade his colleagues to change their policy with respect to that country. In America, the right hon. gentleman was hailed as the benefactor of the South American States. In Europe, he was extolled as the severer of the Holy Alliance. But the right hon. gentleman ought to go still further, and use his utmost endeavours for the liberation of Greece. Let the right hon. gentleman do this, and he would secure for himself an imperishable wreath of fame, grounded on the gratitude of mankind, and the best feelings of human nature. Though last, not least, let his Majesty's ministers consolidate the interests of the empire at home: let them secure it against foreign invasions and internal machinations, by granting as a boon to Ireland, a measure which, if long delayed, must be ultimately wrested by such violence as might not only rend this mighty empire in twain, but would, he firmly believed, break it into fragments, which could never be reunited.

Mr. *Henry Grattan*, member for Dublin, said, that he should betray the duty which he owed to his sovereign, to his country, and to the solemn oath of fidelity which he had taken at that table, if he were to remain silent on the present occasion. He had been most anxious to find reason to agree with the Address; but he was sorry to say that he could find no such reason. He could not agree to it; and yet, if ministers had introduced into it one single sentence, which ought to have been there, they would have had many additional votes in their favour. When the House considered the communications which they had from Ireland, it was doubly their duty to take care that all mention of that country should not be excluded from the Address. A certain confidential public functionary, who had lately arrived from Ireland, and who must be well acquainted with the situation of that country, had stated, that the great evil of Ireland, and especially of Dublin, was poverty—a poverty which might be banished, if the people of Ireland were put into such a situation, that they could enjoy the benefit of British enterprise, British industry, and British capital; but that they could not enjoy without the adoption of such measures as would ensure conciliation and peace between the two countries. All this would be effected, if only one single measure were adopted. He had that day seen the crown on the king's head, and he thought that Ireland was the brightest gem of the diadem, and that the brightest measure the sovereign could adopt would be Catholic emancipation. At present government was forced to keep a large army in Ireland: and such was the situation of that country, that the inhabitants could not sit down in safety by their own fire sides; and yet, while the ministers required from them allegiance to the king, they would not, in return, afford them defence and security. He had documents in his hands, which showed that in the speeches from the throne, in the sessions of 1822, 1823, 1824, 1825, and 1826, Ireland had been prominently mentioned: and yet, although mentioned at the close of the last parliament, the subject was altogether omitted in the present royal Speech. The ministers had asked indemnity for having permitted the importation of corn. Why did they not ask for indemnity for not having given peace to Ireland? For his part he could not easily bring himself to vote for the one indemnity, since the other had not been introduced. Even when Ireland had manifested the best disposition, and had shown the best conduct, the troops had not been withdrawn; because it was felt, that without emancipation Ireland was not secure. Conciliation and emancipation were the only sure means of giving permanent peace to Ireland. Let government adopt those means, and they might safely withdraw their troops. But, unfortunately, the mover and seconder of the Address could not agree among themselves; one of them thinking, that the subject of Ireland ought to be introduced into the Speech, the other thinking that it ought to be omitted. The seconder of the Address had said, that if the measure of conciliation towards Ireland had been mentioned, it would have received his most anxious—here he had hesitated, as if he had meant to say "support"—but he had at length said—"consideration." But on this part of the subject, the hon. seconder's Speech had, in one respect, reached the very climax of eloquence; for, instead of all the most important topics which he might have introduced into his Speech with reference to Ireland, he had mentioned one, and that was the subject of potatoes. An Eastern king was once very ill, and sent for his physician; the physician happened to be an Irishman, and undertook to cure his majesty by means of potatoes. So the hon. seconder thought that every thing was to be done for Ireland by means of potatoes: and he assured the hon. gentleman, that potatoes were a sound and good root, and articles which would grow in the precincts of the Horse-guards and the Palace as readily as in Ireland. It was a base calumny to say, that the people of Ireland in general were ill affected to the government; they were generally well affected to the government, and only asked for that which, by the laws of God and nature, was their due, and ought to be granted them: and he hoped the people of England would not think the worse of them for not being so lost to a sense of the value of their institutions, as not to desire an equal share in them. Equal rights and equal privileges, were what they required; and with less they ought not to be satisfied. They asked no change with reference to religious institutions: all they asked was, to be exempted from civil and political disabilities, merely on account of

their own religion, and to share in the advantages of the constitution, equally with their Protestant fellow-subjects. This was nothing more than bare justice, and could not be resisted except upon a principle of exclusion. Had it not been for the amendment proposed by the hon. member for Montrose, he would himself have proposed an amendment to the Address, alluding to the present situation of Ireland. He begged to remind the House of the words of one of the greatest men this country had ever produced. He meant lord Chatham; and he could not help expressing a hope, that gentlemen who held that great man's son in veneration would extend their admiration from the son to the father. Lord Chatham, speaking of Ireland, had said, "Whenever the safety of Ireland is at stake, the question is no longer a point of honour, but becomes a contention for our very existence." It was in vain to attempt to evade the question of the state of Ireland. The subject would be forced, over and over again, on the attention of the House. He should have felt that he had deserted his duty if he had not stated his sentiments on this subject; for the danger was increasing every day. He begged leave to say, in conclusion, that it was but fair and just, that if Ireland gave to England her blood and her money, that England should give to her what, he thought, she was entitled to, and what, he trusted, the good sense of parliament would ultimately grant; namely, equal rights and equal privileges.

Mr. *Winn*, in explanation, said, that whatever measures would tend to promote the interests of Ireland, and of the noble race of men by whom that fine country was peopled, would always receive his cordial support, if he were convinced that those measures could be carried into execution with safety to the church and state.

Mr. *Moore*, member for Dublin, was of opinion, that the diversity of sentiments which had been expressed in the course of the debate, had arisen from the absence of several topics from the King's Speech, which, in the judgment of different members, ought to have been introduced into it. He himself thought, that the state of Ireland had been sufficiently adverted to, in the present stage of parliamentary proceedings. On that subject he had never had but one opinion, and that was, that the prosperity of Ireland was vitally connected with the prosperity of England. This opinion had been demonstrated by experience. In the same proportion as the great interests of England had advanced, so had those of Ireland. When the agriculture and manufactures of this country were flourishing, both those interests were thriving in Ireland. Nor did he think that there was any ground for the imputation, that the distresses of Ireland had been overlooked. In the passage in which his Majesty alluded to "the depression under which the trade and manufactures of the country had been labouring," his Majesty must be understood expressly to speak of the distress in Ireland as much as of that in England. He would have preferred that evening to have cautiously abstained from any reference to the Catholic claims; but he felt compelled to touch upon the subject, in order to disabuse the House of the impression, that the sentiments uttered that evening by the hon. member for Louth, and by his hon. colleague, expressed the unanimous feelings of the people of Ireland. For his own part, he felt that, in common with every British subject, they were entitled to equal rights on giving equal securities. It was only by adhering to that condition, that parliament could really promote the civil and religious liberties of the empire. He was convinced that that portion of the Irish constituency who were opposed to what was improperly called Catholic emancipation, were actuated by the truest and most genuine conception of the principles of the British constitution. It was an erroneous expression, to call the concession of the demands set up by the Catholics, an act of Justice towards Ireland. Ireland was not an independent kingdom, having a right to make terms for her own advantage, but an integral portion of the British empire, and therefore entitled to share the blessings of the British constitution; but he could assure the House, that the prevailing sentiments of the most influential portion of the constituency of Ireland were, that the best justice that could be rendered to that country, would be to secure to it the strict and inviolable maintenance of the essential principles of the Protestant establishment, which he sincerely believed were the safest bulwarks and the strongest defence of the British constitution.

Sir *Joseph Yorke* regretted that the

King's Speech had not been more clearly and strongly expressed. After eleven years of peace, he confessed he saw none of those earnests of economy, which he would have been glad to have witnessed. A right hon. gentleman, during the last session, had brought up a flaming report from the commissioners of inquiry, which blew the whole Stamp-office to—he would not say where, yet, what had been the result? The members of the Stamp board who were dismissed were immediately replaced by others, and four or five of the dismissed parties had had pensions given to them. That was the way in which economical reductions were made, for the good of the public! The great burthen resulted from the number of persons to be paid for their services behind the scenes. In the case of the Stamp board, it appeared that not above three of the commissioners had been in the habit of attending; yet, when dismissed, they were rewarded for their negligence by pensions. He did not find fault with the extent of our military establishment. He believed that the civility lately shewn abroad to the right hon. Secretary, arose altogether from his having the sword in his hand.

Mr. *Richard Martin* was sorry that the condition of the Catholics of Ireland had not been mentioned in the Speech from the throne. If his hon. friend, the member for Dublin, would propose the amendment to which he had alluded, he would give it his cordial support.

Mr. *Calcraft* said, that though he agreed with the hon. member for Aberdeen in the opinion which he had expressed, with respect to many of the topics alluded to in his amendment, yet he could not, without an opportunity for more ample discussion, give his support to that amendment. No one had expressed the slightest objection to the Address which had been moved, but the hon. member proposed to tack to it an amendment, coupled with a speech, full of the most important considerations, and the House was called upon, in a new parliament, many of the members, probably, never having had an opportunity of considering many of the topics which had been brought before them, to vote for this amendment, which he really believed was longer than the long speech by which it was introduced. For his own part, he generally voted against ministers on all questions of economy, such as the retrenchment of taxes, and the reduction of the army; and he would even go the length of saying, that he considered the Corn-laws, as they at present stood, to be injurious, and was ready to vote for an alteration of the system. He thought that 86,000 men were an enormous force for a peace establishment under any point of view; but, until he saw some system of government adopted in Ireland, which would give tranquillity to that country, he believed, melancholy as was the admission, that a force of that amount must be maintained, in order to preserve the peace of the empire. It was not his fault that the system under which Ireland was governed had not been altered; but if the present House of Commons should persist in the course which former parliaments had pursued, he must confess he thought that our present large military force could not be diminished. It was also necessary to consider many other important topics in relation to the question of reducing the army; such for instance, as our colonial system in all its branches, and our foreign relations. Agreeing, therefore, with many of the topics contained in the amendment, he, nevertheless, could not pledge himself to support them in detail, without a more ample examination, both of them, and of the objects of the hon. mover, than he had now the opportunity of entering upon. Resting upon his character with the public, and not fearing to have it thrown in his teeth that he was no longer the friend of retrenchment and economy, he would take the course by which he would be least fettered in the forthcoming discussions, and vote for the Address to which there was no objection, rather than for the amendment, by which he should pledge himself as to points which he had not yet had time distinctly to consider and decide upon.

Sir *R. Fergusson* would vote for the amendment, because, as he conceived, it did not pledge the House to any opinion with respect to the topics introduced into it, but merely to take them into consideration.

The House then divided: For Mr. Hume's amendment 24. For the original address 107. Majority 83.

List of the Minority.

Birch, J.	Cradock, col.
Burdett, sir F.	Davies, col.
Clive, E. B.	Dawson, A.

Fergusson, sir R.	Thomson, J. P.
Grattan, J.	Warburton, H.
Harvey, D. W.	Williams, J.
Hobhouse, J. C.	Wilson, sir R.
Maberly, J.	Winnington, sir E.
Marshall, J.	Wood, J.
Marshall, W.	Wyvill, M.
Monck, J. B.	TELLERS.
Philips, G.	Hume, J.
Philips, G. R.	Wood, M.
Robarts, A. W.	

Mr. *Henry Grattan* then moved, that the following words be added to the Address:—"That this House desires to express to his Majesty their deep regret at the present state of Ireland, and to assure his Majesty of their determination to direct their attention towards that subject, with a view to the redress of the grievances under which his Majesty's subjects there labour:—That this House will apply their most serious attention to the investigation of the estimates which may be laid before them; and will take the most effectual measures for reducing the expenditure of the country in all its branches, civil and military, to the lowest scale consistent with the good government and the honour of the nation."

On the question, that these words be added to the Address, the House divided: Ayes 58. Noes 135. The original Address was then put and agreed to.

HOUSE OF COMMONS.

Wednesday, November 22.

Roman Catholic Claims.] Sir *John Brydges* presented a petition from the parish of Wootton, in Kent, against any further concessions to the Roman Catholics, and for putting down the new Roman Catholic Association. He said, that he could not remain quite silent upon a subject of such vital importance, lest he should incur the charge of supineness in a cause he was most desirous to advocate. He concurred in the prayer of the petition, and cordially rejoiced that the parish of Wootton was thus early in the field to express its opposition to popery, and its determination to uphold unimpaired our Protestant constitution; for he was firmly convinced that if the legislature did not promptly interpose its authority, and quickly make use of the power it possessed effectually to suppress the existing popish faction, and at once to shut the door against farther concession to the Roman Catholics, it must be expected, that that portion of the benches of that assembly, which were now allotted to the Irish members, would no longer be filled with the representatives of the landed and commercial interests of that part of the empire but with the representatives of the popish priesthood. The petition which he now held in his hand was but from a small number of his Majesty's subjects; but it was from a whole parish, which, though little in extent, was large in loyalty and attachment to the constitution, and in abhorrence of popery; and consisted of intelligent and respectable inhabitants, deprecating the evils that must infallibly arise from an admission of the Roman Catholics to temporal power in the state. Earnestly did he hope to see the example of this petition followed by every county, town, and parish, in the empire: thus, as the streamlet quickly became a stream, enlarging until it covered a vast expanse, so might the petition be followed by others, multiplying as they arose, so as wholly to extinguish every hope of Catholic emancipation. If any man had had any doubts of the ulterior views of the Roman Catholics, those doubts must now be removed by the unjustifiable proceedings, since the dissolution of parliament, of that faction denominated the New Catholic Association, and by the part the parish priests had taken at the late elections in Ireland. The cloven foot was no longer concealed. The mask was removed; and if temporal power was to be conceded to the papists, they would soon become strong enough to seize upon spiritual; and then farewell to our Protestant religion and laws! He called upon the country through the legislature, before it was too late, for an expression of Protestant feeling, by petitions to annihilate the present wicked attempt to overthrow the Protestant establishment in church and state; declaring that this was the time to remind the empire of the words of the immortal Nelson:—"England expects every man to do his duty!" and he trusted he should see presented to that House, without loss of time, petitions similar to the present, from one end of the kingdom to the other, more numerous than had been offered upon any other question. Whenever the question of Catholic emancipation should come before the House, he should be prepared to state his reasons for the opposition he should give to that measure. In the mean time, he implored those who had lately become members of that House, to

guard themselves against being inconsiderately influenced by the eloquent and impassioned language made use of by members from the sister kingdom, in advocating a cause on which, they were pleased to assert, depended the happiness and tranquillity of Ireland; but which, if they were as well acquainted with that country as he was, in his conscience he believed they would be satisfied had nothing at all to do with it.

Ordered to lie on the table.

CORN-LAWS.] Sir *T. Lethbridge* presented a petition from the inhabitants of Abdick, Bulstone, and Ilminster, in Somerset, praying that the House would not permit any alteration in the Corn-laws, without the fullest investigation. He had in his possession many petitions on this subject, but from what had been said last night by the Secretary for Foreign Affairs, who had intimated the intention of government to bring the subject before the House shortly after the adjournment, he should, for the present, withhold them. For the same reason, and as the right hon. gentleman had said, that he would not be drawn into any discussion at present, he would forbear from making any of the observations which forced themselves upon his mind at this moment. He did not ask his Majesty's government to state what was their intention on any part of it; but feeling the importance of the subject, he could not help insisting upon the necessity of obtaining all the information that could be come at respecting the operation of the Corn-laws as they at present existed. If any inconvenience had been experienced, which he very much doubted, because the laws which existed had not been put into execution, it could only be satisfactorily ascertained by means of the inquiry to which he now alluded. He wished the whole system of the laws on this subject to be put on a different footing; but what he was most desirous to impress on his Majesty's government was, the necessity of procuring full and complete information, before any new enactment should be resolved upon. It was not for him to suggest to ministers the course that they ought to pursue; but, as far as his own opinion went, he was decidedly in favour of the appointment of a committee, without which he thought the question could not be fairly and usefully re-agitated and re-discussed. When this question had last been the subject of discussion before the House, a committee was appointed, and an examination instituted, which, although it was not carried as far as he could have wished, obtained a great deal of useful information on the subject. Great alterations had taken place since that period, not only in the amount of taxation, but in the circumstances relating to foreign corn; and the only new information of which the country was in possession, was that which had been obtained from the report made last on this subject by Mr. Jacob. That report was certainly a most important document; but, it did not contain information enough to enable the government to adopt any regulations which should have the effect of changing the present laws. He had no wish the discussion should now be pressed; and when the time at which it was to be entered upon should have arrived, he hoped it would be conducted with temper and moderation. In the mean time, he hoped that none of the charges which had been so unfairly brought against landowners or occupiers would be repeated, or that the unjust tone which had been assumed towards them should be indulged in; and he was induced to make this observation because he was sure that, in the minds of all thinking men, there could be only one wish; namely, that the question might be disposed of so as to suit the interests of the whole of the inhabitants of the united kingdom.

Lord *Althorp* said, he had heard the announcement made last night by his Majesty's ministers, that they would not at present enter upon this subject, with considerable regret. If they were aware of the agitation which the notion of any alteration in the Corn-laws had occasioned, not only in the agricultural, but in the manufacturing, interests of the country, he was sure they would not have formed any such resolution. He thought it was too much for ministers to call parliament together in November, and tell them then that they had a plan to propose, but which they did not intend to bring forward until February. He was aware that it might be inconvenient to them to disclose that plan at present; but, however inconvenient it might be, their duty left them no alternative but to do so. It was inconvenient to him, and he had no doubt it was equally so to many other members, to be in town at this season; but being here, he should think he failed in his duty if he neglected to press upon

government the necessity of a speedy expression of their opinion on the subject of the Corn-laws. He thought it would be better that they should bring forward at once whatever measures they intended to propose, because he was not one of those who felt alarm as to the nature of the proposition; nor did he believe, whatever it might be, that it involved the ruin of the landed proprietors in the kingdom. For this reason he was extremely anxious that the subject should be immediately entered upon.

Ordered to lie on the table.

Bribery at Elections.] Lord *Althorp* rose, in pursuance of the notice he had given, to move for the renewal of the resolutions passed on the 26th of May last, relating to bribery and corruption in returning members to serve in parliament. But it might be necessary for him, before he did so, to explain to the House, for the information of those members who were not in parliament when these resolutions were adopted, the nature of the measure which he meant to submit to their notice. If his noble friend (lord John Russell) who first introduced them, were a member of this parliament, he should have left the task of bringing them forward to him, but his noble friend not having at present a seat, he felt it to be his duty to propose them. In all the discussions which had taken place on this subject, it had been constantly stated by its opponents that their opposition was founded upon hostility to any sweeping measure which went to change the constituted body, but that whenever an instance of gross bribery or corruption was made out against any particular borough, the place ought to be disfranchised, and that they were ready to act upon that principle as often as such a case should be brought forward. Yet, notwithstanding such a declaration, it was quite notorious that many boroughs, wherein gross and open corruption was practised, were not as yet disfranchised. Hence the necessity for the introduction of those resolutions which were proposed, by his noble friend, at the close of the last session of parliament, and which he had now the honour to call upon the House to sanction by its vote. Very few cases of corruption, comparatively speaking, had been brought before the House, although every one seemed to agree in the necessity of putting a stop to a system which was admitted, on all hands, to be a very great grievance. Cases of individual corruption were so general, that proofs were difficult to be brought forward to establish particular facts. From the arrangements of the House, and the present law relating to bribery and corruption, the facilities to prosecute inquiry were not sufficiently open, owing to the expense attendant on such inquiries, and other considerations which combined to produce that effect. The chief object, therefore, of these resolutions was, to point out a proper tribunal, where petitions complaining of acts of bribery and corruption in the return of members to serve in parliament, should be fully examined. There were no new powers proposed by these resolutions; it was only sought to point out a mode by which old powers should be acted on. It was perfectly competent to him, as a member of that House, to present a petition against a particular case of bribery and corruption; but he wished the House to adopt some mode by which that petition should undergo an impartial examination. He believed that the adoption of the resolutions of last session had produced a beneficial effect during the late elections; and he felt perfectly convinced, that if those resolutions were adopted by the present parliament, many peculiar cases of corruption that most required reform would be brought to light, and considerable good would thereby be effected. Doubtless, great advantage would be felt, if those boroughs in which open and shameless violations of the law were practised, were disfranchised, and the elective franchise extended to more important places. The law said, that no petition against the return of a member of parliament should be received by the House after fourteen days from the time of the assembling of parliament; but these resolutions referred only to petitions presented after that term. The great objection made to these resolutions was the expense which would be incurred by the public in prosecuting cases of bribery and corruption; but all public committees incurred expense; and surely, if ever there arose a necessity for a committee of that House to examine into the merits of a question, with a view to the correction of abuses for the public good, the House should not pause from the fear of expense, when the object to be attained was, to check and put down a system of shameless bribery and corruption in the election of its own members. These

resolutions provided, that the House would not take into consideration any petition, complaining of bribery and corruption, until the merits of such petition, and the specific grounds on which it was preferred, were first ascertained by a select committee appointed for that purpose. It was argued against that provision, that private feelings would influence such committee, and that the party petitioned against would find sufficient favour amongst its members to counteract the design of the petitioners. But if a case of gross corruption were made out on clear and satisfactory evidence, he had too good, and he hoped too just, an opinion of that House, to suppose that any portion of its members would, under such circumstances, refuse inquiry. And if that inquiry were once set on foot by the House, the resolutions provided the means by which that inquiry could be prosecuted with effect. He was not aware of any other objections against the resolutions which he should now have the honour to propose; and he was free to own, that he could not conceive on what possible grounds the House could object to his motion. Certainly, if the measure should be rejected by those whom he had now the honour to address, after having been agreed to last session, he should say it would be a most extraordinary thing; and he could not bring himself to believe that such could be the fact. The noble lord sat down with moving the first of the following resolutions:—

"1. That whenever a petition shall be presented to this House, after the expiration of the time allowed for presenting petitions against the validity of the return of any member of this House, by any person or persons, affirming that at any time within eighteen calendar months previous to presenting the said petition, general bribery or corruption has been practised, for the purpose of procuring the election or return of any member or members to serve in parliament for any borough, cinque port, or place, and it shall appear to this House that such petition contains allegations sufficiently specific to require further investigation, this House will appoint a day and hour for taking the said petition into consideration, so that the space of twenty days shall intervene between the day on which the said petition shall have been presented, and the day appointed by this House for taking the same into consideration; and notice of such day and hour shall be inserted, by order of the Speaker, in one of the two next London Gazettes, and shall also be sent by him to the returning officer of the borough, cinque port, or place, to which such petition shall relate; and a true copy of such notice shall by such returning officer be affixed to the door of the town-hall or parish church nearest to the place where the election of members to serve in parliament for such borough, cinque port, or place, has been usually held.

"2. That at the hour appointed by this House for taking such petition into consideration, this House will proceed to appoint a select committee to inquire into the truth of the matters contained in the said petition, and report the result of their inquiry to this House; and such select committee shall consist of thirteen members, to be chosen by lot, according to the directions, provisions, rules, and regulations, and subject to the exemptions for choosing forty-nine members by lot, contained in the various acts to regulate the trials of controverted elections, or returns of members to serve in parliament, so far as they are applicable thereto, and of two other members to be appointed by this House, out of the members then present in this House; and the thirteen members so chosen by lot, together with the two members to be so appointed by this House, shall be a select committee, and shall inquire into and try the matter of such petition, and shall report their opinion thereof, together with the evidence given before them, to this House.

"3. That this House will not appoint such select committee so long as any trial is pending before a select committee of this House to try the validity of the return, or so long as a day is named in the orders of this House for appointing a select committee to try the validity of the return, for the borough, cinque port, or place to which the petition refers."

On the first resolution being put from the Chair,

Mr. *Wynn* said, that he certainly did not mean to differ on general principles from the noble lord who had just sat down, although he should feel it his duty to object to the mode in which he proposed to carry his resolutions into effect. He agreed with the noble lord in conceiving it to be the bounden duty of the House to inquire into every case where gross bribery and corruption were said to have been

practised; but he had too much reliance on the honour and integrity of the House, not to feel confident that there existed no disinclination among its members to inquire into and investigate, with effect, any case of open violation of the law that might be brought before it. Agreeing as he did on principle with the noble lord, he only differed from him with regard to the proposed resolutions. According to the existing law, it was competent not only to any voter at an election, but to any one of his Majesty's subjects, to petition the House of Commons against any particular case of bribery and corruption that came within his observation. That right had been exerted with advantage; and instances had occurred of persons going down to elections without having had a vote to bestow, who were, nevertheless, proved to be competent to petition against the return of the successful candidate, on the grounds of bribery and corruption having taken place at the election. But the law of the land was also open to complaining parties; and he could not avoid observing, that that was the best and most legitimate mode to pursue in such cases, and was even to be preferred to any legislative enactment that the House might think proper to adopt. By the first resolution, it was proposed, that at any time, within eighteen calendar months, any person was at liberty, without incurring the slightest expense, and without risking the least responsibility, to advance charges of bribery and corruption, that perhaps were totally unfounded and unjust, while the members against whom they were directed must defend themselves at their own expense. Now, he would ask, was that just or reasonable? Was it fair that the accusing party should be relieved from all expense attending proceedings, and from all the consequences of the responsibility which he himself incurred, while the accused was thrown on his defence, which he must conduct at his own expense? These were amongst the principal objections to the resolutions of the noble lord that occurred to him at that moment. The power which these resolutions would give to parliament was one which might, on all proper occasions, be beneficially exerted. If these resolutions were passed, there would be no want of petitioners to aver, that gross and corrupt perjury had existed in certain boroughs during the last election. And there was no doubt but there would be enough of persons found to prefer complaints, without any just ground to warrant their application, solely with a view to raise a contribution on the fears of those against whom their complaints were directed; and it would be but reasonable to suppose that, rather than incur the expense of a defence, and the odium which would result from a public imputation of bribery and corruption, however that imputation might have been unworthily urged, the party accused would rather choose to accede to the proposition of the petitioner, by buying him over at his own price, than incur the expense of prosecuting his defence in public, and risking the odium of the contest. He had no hesitation in saying, that many would rather accede to almost any proposition, however base and mercenary, than adopt the other alternative. The noble lord contended, not only that a borough in which bribery and corruption had been at work should be disfranchised, but that the member condemned of wilfully suffering such bribery and corruption to be exerted in his behalf, should both lose his seat and be expelled the House. Cases of great aggravation might arise to render these measures necessary: but the House should pause before it afforded an opportunity to designing men to play upon the fears of others. How many petitions, he would ask, might not eighteen months bring forward? If the first failed, would not several shoot up while the temptation of aggrandizement existed? The Grenville act proceeded to legislate on a distrust of the House. It had all the effect of a decision of parliament; and it was therefore unnecessary, while that act existed, to call for other powers. Supposing a case, in which members should disagree with respect to the amount of corruption practised in a particular case. One of the committee might say that corruption had been proved in one instance out of a hundred charges that had been made, and therefore that the guilt of the accused was evident; while another might say, if ten charges were proved out of a hundred, that those ten charges were insufficient to establish a guilty intention, while so many more required to be substantiated. It was, therefore, the more desirable, in his opinion, that the feeling of the committee appointed to investigate charges of this description should be reported to the House, as was usual on other occasions.

Entertaining, therefore, as strong a desire as the noble lord himself could have, to adopt some tangible remedy for the evil, which all admitted and deplored, he must be allowed to say, that it would be safer and wiser to deal with particular cases, as they should arise, than to adopt the whole of the proposed resolutions. For his own part, he felt no inclination to distrust the present committees of the House of Commons; and he was convinced that when occasion offered, it would do its duty. If the resolutions passed, he would certainly object to that part of them which took from the petitioner any responsibility which his own acts might draw upon him; and he should also object to the expenses incurred in the prosecution of petitions being paid by the public, For himself and his right hon. colleagues he begged to say, that his Majesty's ministers had no other feeling in the present discussion, than that the House should act according to its wisdom and discretion.

Mr. *Batley*, member for Beverley, said, that he quite agreed with what had fallen from the right hon. gentleman, and conceived that the statute law afforded a sufficient provision against bribery and corruption in the election of members of parliament, without having recourse to the resolutions proposed by the noble lord.

Colonel *Davies* said, he was quite certain that the right hon. gentleman would not so soon have put forth his strength against the resolutions which the House had adopted at the close of the last session, if he were not certain of being supported by the strong phalanx which was about him. In his opinion, it would have been much better for the right hon. gentleman to have displayed his ingenuity in correcting the faults of those resolutions than to have exercised it in attempting to get rid of them altogether. If ever there was a time which called for interference of the House to correct the abuses with which the business of elections was conducted, it was the present; for after the experience which every person had had of the late elections, it was evident how little terror the resolutions of the House inspired. There never were so many cases of gross and flagrant corruption, against the recurrence of which it was the duty of the House to take all practicable precautions. The charity of the last speaker towards the persons to be affected by these resolutions was most suspicious. It would be neither good for the representation of the House nor for the electors themselves; as he believed, in most cases, that charity would find its way to the ale-house. The resolutions were adopted solemnly at the close of the last parliament. Of that parliament he wished to say very little, either of its sins of omission or commission; but it appeared that it had, like other sinners, a death-bed repentance, and had left the House a legacy, in those resolutions, calculated to sweeten its memory and to do the country some good. The right hon. gentleman said, it was easy for the House, when a special case arose, to take it into its consideration. No doubt the House was competent to do so; but the question was, would it do so? Was not the right hon. gentleman aware of the jealousy with which the House of Commons regarded the interference of a peer? and did he not recollect, with all its jealousy, how the subject was got rid of, on a late occasion, under the pretence that the petition was presented out of date? That was a reason why the House should pledge itself to a reasonably extended time; for he knew, whenever a strong case could be made out, it could be got rid of, by statements that it was irregular, and out of time. Suppose a petition was presented in a case of gross corruption. Why, the person who brought it forward was most likely influenced by selfish motives; his object being to eject a person from a seat which he himself desired to fill. Would such a person spend sums of money from the mere love of the independence of a county? No; every shilling spent was for the purpose of procuring his own object. He would be content to make out his charge of bribery; but that was not what the country wanted. It was the duty of the House to sift the whole truth, and to cut away the sources of the mischief. To do so with effect was what the present resolutions proposed. If the right hon. gentleman thought the resolutions unequal to effect so great a purpose, it would be easy for him to add that which would make them perfect. It was quite impossible to look for purity of election until the system was altered. No individual, however high his virtues or talents, could engage in an election without an infraction of the law, as it at present stood. In many places, the electors hunted after candidates who had money to spend, and were disposed to spend it

freely. Let any man of pure and unsophisticated principles try what chance he stood, in opposition to the person answering one of those invitations, and he would soon find out whether virtue or money was the more powerful in this country, or which would best insure a return to that House. The right hon. gentleman was well informed of the nature of the evil. It would therefore be easy for him to allow the resolutions to pass, and then to offer any corrections which his experience might suggest.

Mr. Secretary *Peel* observed, that the House was called upon to affirm or to reject resolutions, which went to create a new offence and a new mode of trial. The end might be a very proper one; but it would, he conceived, be infinitely better that this new jurisdiction should be sanctioned by a bill, rather than by a resolution of the House of Commons. Such a mode of proceeding would admit of consideration and discussion in the different stages, whereby errors might be corrected and improvements introduced. But the House was called upon by the noble lord to adopt at once resolutions on a subject of infinite importance. Did not the noble lord think it a serious matter, that a committee of the House should be empowered to administer an oath? Was it not a serious matter that a common informer might keep in his pocket, for seventeen months and twenty-eight days, a petition affecting the interest of individuals and of corporate bodies; that, at the end of seventeen months he might, if he pleased, prefer his charge against a corporation, or an individual to the House, without expense to himself, and without one word being inserted in the resolutions as to a penalty in case of vexatious or malicious charges? He was surprised to hear the hon. member, who spoke last, assert, that there had been more gross bribery during the last election than at any former period; and this in the face of the resolutions. The fact proved, then, the insufficiency of the resolutions; although the hon. member considered it as a sufficient reason for adopting them. He was not contending against the principle of the noble lord. He repeated what he had stated last session, that this measure should be introduced by bill, and that the nature and the extent of this new jurisdiction should be carefully determined. The House should have the opportunity of maturely deliberating upon a subject so seriously affecting the privileges of parliament. He would not deny that it might be right that the law should be altered to meet cases of corruption, when it had been evaded by the lapse of time; but then it should be done by bill. The period likewise might be six weeks, or even a fortnight; but not eighteen months. He merely threw out these observations to show that he was not hostile to the principle of the resolutions; but he protested against a party being permitted to petition, without giving security that he should be indemnified, and that he need only allege general bribery. He protested against the House being called upon to-night, to say by what jurisdiction the object should be attained. He protested against such precipitate and premature legislation. He must, therefore, oppose, not the principle, but the expediency of the resolutions.

Mr. *Scarlett* doubted whether the resolutions of the noble lord would meet all the objects he had in view, and felt that there was some weight in the arguments urged on the other side of the House; though the right hon. gentleman who spoke last had taken rather a partial view of the question. It had been urged by an hon. member, that the existing laws were sufficient for punishing bribery, provided they were properly executed. The resolutions of the House enabled them to do it, if they were exerted. The right hon. gentleman had dwelt upon the long period during which a common informer might keep a petition in his pocket; but it was in the discretion of the House, if such a case occurred, to deal with it in a proper manner, and reject the petition altogether. Another argument of the right hon. gentleman was just, and showed the infirmity of the resolutions; namely, that the party petitioning incurred no peril. He thought that this was a serious defect, and that it could not be remedied by a resolution of the House. This House could not inflict a penalty: it could not even inflict costs upon the party. This power did not belong to a separate branch of the legislature. Moreover, if the defect were attempted to be supplied by a bill, was the House sure that the other House would pass it? This House might adopt it; but this House depended in some measure, for the pure exercise of its functions, upon the other House, and might propose for that object

what that House would not adopt. He could not, therefore, approve of the resolutions, whilst no penalty attached to a person presenting a malicious petition; and this House could not provide a penalty, or even require a recognizance, though such an object might be accomplished. The power of the House, however, depended upon its freedom from reproach; and it was their interest that mankind should know that the House would proceed by some certain method to reach corrupt practices. At present, after the lapse of fourteen days, there was no method of touching a case of bribery and corruption. If a law was introduced to regulate this subject, even to meet a particular case, such as the disfranchisement of a borough for bribery, he was afraid, from past experience, that there might be a difficulty in obtaining the concurrence of the other House. He did not mean to say that the House would not punish cases of gross corruption; but he referred to general cases. He must state, that he did not feel quite satisfied with the noble lord's resolutions; but his chief object in rising was to recommend, that some certain rules should be laid down upon this important subject. He felt that there was some force in the objections urged against the resolutions; but if his noble friend would withdraw them, they might be modified so as to meet with general concurrence. But if his noble friend persisted in pressing them, he would feel some difficulty in opposing them; not because he entirely approved of them, but because he considered them as a step towards a very desirable object.

Mr. *Pallmer*, member for Surrey, said, that the importance of the question and a sense of duty impelled him to offer a few observations to the House. He was the more induced to do so, because, with reference to the subject involved in the resolutions; namely, the purity of election, hon. gentlemen must be, so soon after the general election, strongly impressed with the necessity of some measure, to enforce the principle contained in them. His gratitude, as an independent member of parliament, was due to the noble lord who brought forward the propositions, as well as to the noble lord with whom they originated, because he was proud to see the aristocracy of the country advocating the rights and privileges of the people. But, much as he felt indebted to those noble lords, his humble opinion was, that the real, effective, and complete removal of the obstructions which impeded the free exercise of the elective franchise, could only be effected by the interference of a wise and liberal administration; and he hoped to see the day when, instead of objections being brought forward, as on the present occasion, to such measures, his Majesty's ministers would take into their consideration the inconveniencies that obstructed the exercise of the elective franchise, and give to such a measure the weight that an administration alone could give. Whilst employed on measures giving freedom to conscience and to commerce, it was not beneath them to give freedom to the constitution. There was no man he would look to with more confidence, with this view, than the right hon. Secretary who had so distinguished himself by his attention to the amelioration of the criminal law. The country expected it from him. He hoped that, in his judicious hands, the constitution might be restored to its original purity, and be freed from all impediments. He hoped that the other right hon. gentleman, who had adverted to the legislative measures of the Grenvilles on this subject, would not forget that the chief praise of the family to which he belonged was their efforts to preserve the freedom of election. He hoped that the present government would imitate their example, and do all in their power to secure to the country an unobstructed freedom and purity of election.

Lord *Althorp* said, that if the present resolutions were to be embodied in a bill, there was not the slightest chance of its passing the other House. The only hope of adopting the present rules was by a resolution of the House. The most material objection which had been urged against the resolutions, was founded upon the power which it gave of presenting petitions without expense. This was the unavoidable consequence of founding the measure upon resolutions, and not upon a bill. But he did not think, that, practically, any such effects would result as were suggested, and if they did occur, it would be easy to find a remedy for such a practical evil. However, as it seemed to be the general wish of the House that the resolutions, in their present state, should be withdrawn, he would, with the consent of the House, withdraw them.

The motion was then withdrawn.

DR. SOUTHEY'S RETURN FOR DOWNTON.] The Speaker acquainted the House, that he had received a letter from a member of the House, which, if it were the pleasure of the House, he would read. It was as follows:

"Keswick, 15th November, 1826.

"Sir;—Having, while I was on the continent, been, without my knowledge, elected a burgess to serve in the present parliament for the borough of Downton, it has become my duty to take the earliest opportunity of requesting you to inform the honourable House, that I am not qualified to take a seat therein, inasmuch as I am not possessed of such an estate as is required by the act passed in the 9th year of queen Anne. I am, Sir, with all due respect, &c. ROBERT SOUTHEY."

ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.] The Address on the King's Speech was reported to the House. On its being read a second time,

Mr. *Western* rose for the purpose of submitting an amendment, by way of addition to the Address. This he felt to be necessary, not that he was hostile to any part of the Address, but that he was desirous to fill up an omission on a question most important to the country. The Address adverted to the distressed situation of the manufacturing districts, but it omitted to state, in any particular manner, the condition of the agriculturists, who, he would say, though not as depressed as the manufacturers, were still labouring under severe pressure, arising from the burthens to which they were subject. It became the more necessary to advert to the situation of the agriculturists, because the omission of that subject from the royal Speech went to confirm an opinion too prevalent in the country, that the agriculturists were in prosperity, and that they were flourishing at the expense of the manufacturers. This opinion he knew prevailed among the manufacturing classes, and it had even been stated in that House by an hon. alderman. It was necessary that such an opinion should not go forth as sanctioned by that House, and therefore he felt bound, publicly, to deny its justice. The farmers, he could state, were in distress, and their condition generally declining. They were scarcely able to struggle against the burthens by which they were oppressed. They could with difficulty pay the very reduced rents. Capital employed in agriculture was never known to bring so low a return as at present. The situation of the agricultural labourer was also one of great distress. They were never worse paid than at present. Instead of finding full employment at a good price as heretofore, they were obliged to entreat for it at a greatly reduced rate. The numbers, for whom no employment could be found, were daily increasing. The poor rates, as a necessary consequence, were increasing; and he feared that, unless some remedy was devised, they would, in a short time, be in a worse situation than the manufacturing poor. He did not complain that the present price of grain was inadequate; but then the value of that price to the farmer must depend on the burthens to which he was subject. He was prepared to contend that, compared with those burthens, the prices were much lower now than for a period of several years previous to the beginning of the late war. If he compared the present price of corn with that which it bore before 1792, he found that the quarter of wheat was then within 3*s*. or 4*s*. of what it sold for at present; and yet there were then only 17,000,000*l*. of taxes annually taken from the people, while at this moment there were nearly 60,000,000*l*. Did any doubt that the difference pressed heavily on the agriculturist of this day? He was prepared to contend, that the price of corn was not the cause of the distress, suffered by the manufacturers. It arose from other causes to which he would not then particularly advert. He had stated them before, and should have another opportunity of submitting them to the House; but he wished the manufacturers to recollect, that twelve months ago, when they were in a state of admitted prosperity, the price of corn was 10*s*. a quarter more than it was at present. It was too much, under these circumstances, to endeavour to persuade the country, that the price of corn had any thing to do with the cause of the distress. He felt it his duty, under these circumstances, to submit an amendment to the Address, assuring his Majesty, that while the House regretted the present distressed state of the country, it would take immediate steps to inquire into its cause. This he felt to be the first duty of the new parliament; namely, to trace the extraordinary

causes which had contributed to produce such an extraordinary change in the state of society, as they had witnessed within the last ten years. It was well known that, during the war, this country was in a state of commercial, manufacturing, and agricultural, prosperity, which had progressively improved. Was it not the duty of members to inquire what had interrupted this prosperity, and what had brought the country to a state of calamity greater than any produced by any former war in which we had been engaged? He would not now state what the causes of it were, but would content himself with moving the following amendment, by way of addition to the Address:

"Your Majesty's faithful Commons feel it their duty to represent to your Majesty, and at the same time to express their deep regret, that the agricultural classes, though not suffering in the degree they did a few years ago, particularly in the year 1822, are yet in a state of severe pressure of distress, from the heavy burthens to which they are exposed. They will endeavour to trace the causes which have led to the dreadful alternations of prosperity and adversity which all the industrious classes have experienced since the termination of the war in the year 1815, and they trust they shall discover the means of restoring the agriculture, commerce, and manufactures, of the country to the same condition of progressive improvement, in which they were steadily advancing antecedent to that period."

Mr. *Leycester* seconded the amendment. He could not but regret that the subject of the Corn-laws had not formed a part of the Speech from the Throne; the more particularly on account of the strange delusion which filled the public mind on that subject. That it was a delusion to suppose that the distress was owing to the Corn-laws would be proved by the fact, that under those laws, and even at higher prices than the present, the manufacturers, masters and journeymen, had prospered to a degree theretofore unexampled. He contended, that the distress arose from the impolitic conduct of government in tampering with the currency, from the great issue of small notes, and from the fact of ministers never allowing the country to enjoy the benefit of a real sinking fund. He maintained that it was another delusion to suppose that the repeal of the Corn-laws would produce cheap corn to the manufacturers; for, as soon as foreign corn had driven some of our lands out of cultivation, the price would be higher than ever. But even supposing the price reduced, it should be considered that wages would be reduced in the same proportion; and he maintained that wages proportioned to a high price of corn would be much more beneficial to the artisan than those proportioned to a low price. Another delusion on the public was the assertion, that 8*s.* added to the price of corn by non-importation was a clear loss to the public of 15,000,000*l.* He should be glad to learn, from those who maintained this opinion, where these millions went? Did they go up to the moon, whither so many lost articles were said to ascend; or did they sink into the earth, to be again dug up in congenial silver and gold? These were questions which he should wish to have answered. The hon. member went on to contend, that there was only one way of settling the question, and that was, by a reduction of taxation. If they removed the assessed taxes, which pressed on the farmer; if they removed the leather-tax; if they removed the malt-tax; if they removed the tax on tenants' leases; if they removed these and other burthens which pressed with peculiar severity on agriculturists, then they might hope to conciliate the landed interest, and to have their assent to a repeal of the Corn-laws; but, if ministers talked of the distressed state of the Treasury, he would remind them, that revenue removed was not always revenue lost, and that increase of consumption almost always followed diminution of taxation. If, however, they persisted in adhering to the present exorbitant rate of taxation, and wished for an alteration of the Corn-laws, he begged to inform them, that the landed interest would not be tamely sacrificed (not for the benefit of the manufacturing poor, for to accomplish that they would willingly make every sacrifice); but they would not be sacrificed for the benefit of the fundholder, who was already well off—or for the benefit of the army and navy, who were already very well off—or for the benefit of placemen and pensioners, who were already too well off—or for the advantage of the master-manufacturers, who were endeavouring to become noblemen and gentlemen, by turning the nobility and gentry into beggars; and lastly, not for the benefit of the Germans, who were just now in high

spirits at the idea of once more picking the pockets of John Bull.

Sir *J. Sebright* opposed the amendment; not because he was indifferent to the interests of the landlords, but because he was convinced that the introduction of the subject at the present moment was extremely ill-timed. He could not agree that it was a fault in the Speech from the throne to have omitted the several topics yesterday alluded to. On the contrary he thought those omissions formed its great merit.

Mr. *Western* said, that he would not take the sense of the House on the amendment; but he wished it to be put, as he was anxious to have it placed on record.

The amendment was then put, and negatived; after which, the original address was agreed to.

HOUSE OF COMMONS.

Friday, November 24.

King's Answer to the Address.] The Speaker reported his Majesty's Answer to the Address, as follows:

"Gentlemen of the House of Commons;—I thank you for this loyal and dutiful Address. I rely with confidence on your affectionate support; and you may depend upon my continued exertions to uphold the honour and interests of the nation, to cultivate the blessings of peace abroad, and to promote, at home, the welfare of all classes of my subjects."

Borough of Tregony.] Mr. *Abercromby* said, that, as the subject of his present motion was intimately connected with the privileges of that House, it would, of course, take precedence of every other. He would commence by requesting the clerk to read the return to the Crown-office relative to the borough of Tregony.

The clerk then read the entry, in which there appeared the names of Stephen Lushington and James Brougham, returned with, and annexed to, the writ; and of James Adam Gordon and James Mackillop, returned with, but not annexed to, the writ.

Mr. *Abercromby* then proceeded to observe, that the simple reading of that entry might be almost sufficient to establish beyond contradiction, that there had been no double return for the borough in question, and that the entry in the book ought to be forthwith rectified, by order of the House. It was well known that the course of proceeding, in the election of a member of parliament, was this: the writ, in the first place, issues from the Crown-office to the sheriff of the county, and he, in compliance with the order contained in it, again issues what is called a precept to the returning officer of each borough within his county, in which he calls upon that officer to hold the election, and make the return to him by a certain time. When the election has been held in virtue of this precept, the returning officer annexes the indenture of the return to the precept, and sends it to the sheriff, who transmits it with such indenture to the clerk of the Crown. This was the ordinary and established course of proceeding, from which, he conceived, they never had departed, and from which no departure could, with any regard to the preservation of their own privileges or the rights of the electors, take place. This ordinary and established practice had been strictly followed, as regarded one of the indentures. The sheriff had directed his precept to the mayor of Tregony, an officer who had been duly sworn in by virtue of a writ of Mandamus; and this alone, he conceived, was sufficient for the purpose he had in view, because, as it was acknowledged that it was the duty of the sheriff to select that person who was, in his judgment, the proper returning officer, the indenture which that officer returned along with the precept must be considered as the legal return to the sheriff; and therefore Dr. Lushington and James Brougham, esq. must be considered as the duly elected members for the borough of Tregony. There had been, however, a great error committed, which it was the duty of that House to correct. The first return stated, upon the face of it, that it was made by virtue of a precept issued from the sheriff; while the second was only described as being in virtue of the writ, and therefore could not be maintained. This return was also invalid, as it was represented to be made by the deputy of the mayor; an officer not selected by the sheriff for the performance of the duty. That gentleman had before issued his precept to the mayor, and it had been complied with by the first return of an indenture annexed to the writ; while the second return, made by an officer not appointed by him, and avowedly by virtue of the writ, could not for a moment be

considered in the light of a double return. The sheriff, it was obvious, had not so considered it; for if he had done so, it was plain that he would have felt himself bound to return it, as well as the other annexed to the writ. He apprehended that the case of the borough of Helstone was a perfect illustration of the principle which he wished to maintain for the guidance of their decision. In that case there was one return made by virtue of a precept, and the other by virtue of a writ. The sheriff, in that case, did not presume to act upon his own responsibility, but took the advice of two of the most eminent lawyers of the day—Mr. Serjeant Davy and Mr. Buller—as to the course which he ought to pursue. These gentlemen gave what he considered a safe rather than a manly advice. They desired the sheriff not to take upon himself the responsibility of rejecting persons returned to him in that manner, but to send the names to the clerk of the Crown, and throw upon him the whole burthen of acting as he thought his duty might direct. They did not take the true manly course and say to him, "you have issued your precept—you have received a return —and any thing else which accompanies must be considered as mere waste of paper." No: they threw the responsibility on the clerk of the Crown, and left the parties afterwards to prove their respective titles. This, he repeated, was the safe but not the manly or the correct course; for it was competent for any person, by a very small sum of money, to keep out of parliament any two men he thought proper, on the most critical occasion. If that House had been assembled for any vitally interesting purpose, instead of being called together to give their assent to a measure upon which all were agreed, it might have been in the power of any man to keep out any number of the hon. gentlemen opposite, from the present period until the ensuing March, by precisely the same expedient. The learned gentleman then contended, that it was the bounden duty of the sheriff to have returned those names only which were annexed to the precept he had issued, and to have presumed that the others were not legally elected, until they had been enabled to establish their title elsewhere. It might be agreeable to those who were always applauding the wisdom of their ancestors to know, that this doctrine of presumption, in such cases, had been held to be the proper course, as far back as the reign of James the 1st. In that reign, a person named Holford had been elected for Pontefract and for Stockbridge. He made his election for Stockbridge, and in some discussions respecting the election upon the new writ, to which a return was made by virtue of precept and of writ, the House decided, that the sheriff was bound to presume the return to the precept to be correct, until something was proved to the contrary. The case of Liskeard was somewhat different; but Helleston was quite in point; and he now contended that the House was bound, for the protection of its own rights, to shew that the sheriff was bound to return the indenture of his office, and that alone. —There was another extraordinary circumstance connected with this matter, which he would mention without comment; and that was, that when the agent, of the sheriff carried the precepts for his county to the Crown-office, one of the clerks there told him, that there was another return for Tregony, and wished him to fix it to the precept. The agent replied, that he was directed to leave that precept with the indenture separately and distinctly, as the return of the sheriff, and he would leave it in the state he had received it, without alteration. Subsequently there appeared in the Gazette, a notice of the members elected for Tregony, in which the names of Gordon and Mackillop appeared before those of Lushington and Brougham, who had been returned on the precept; and when this matter was mentioned in the course of the proceedings, the agent was told, that it did not signify what appeared in the Gazette, the entry would be found to be correct in the book returned to the clerk of the House.—The thing of which he principally complained was, that the first return, that of the earliest date, was superseded in the Crown-office, and that the return of which he complained was substituted for it. And this was the more the subject of just complaint, as one was on the 13th of June, and the other on the 17th, and still more as the precept was affixed to the writ in one instance, and not in the other. Such a return, he contended, could not be maintained or supported by the House. He therefore thought, that the obvious proceeding for the House to adopt was, to reject the

return which was informal, and therefore nugatory; and to leave to any party which might feel itself aggrieved, the opportunity of appealing to the House for redress for any injury it might sustain from the decision of the House; a redress which, on a representation of just ground of complaint, he was satisfied the House would be ready to afford. He concluded, by moving, "That the Indenture by which James Adam Gordon and James Mackillop esquires, were returned to serve in parliament for the borough of Tregony, be taken off the file."

Mr. *Wynn* assured the hon. and learned member that he should not have thought himself at all disorderly in interrupting him before he had concluded his speech, had he been aware that his motion would have taken the shape which he had eventually given it. The hon. and learned member commenced by telling them, that he had a motion to submit on a matter connected with their privileges; but, in fact, he had concluded with a proposition which was against law, and against the usage of that House. The details with which the learned gentleman had favoured them, would have been perfectly in place, before an election committee, legally constituted for the investigation of the alleged irregularity; but when addressed to that House, which had no power to entertain the subject, they were useless to all purpose, but to prejudge the question. What was the substance of the motion? That that House should of its own authority, order a return to be taken off the file. If the learned member could persuade the House to such a course, the next thing he must do, would be to bring in a bill to repeal all the acts relating to elections passed by that House since the commencement of legislation on the subject. If the House were to controvert a return made to it, in the manner now proposed, it would lead to the greatest inconveniences. For if, under any pretence, they were once to arrogate to themselves such a power, there would be always plenty of cases, with circumstances of a special and peculiar nature, to demand their interference. It was the established practice of the House, in cases of this kind, to refer the matter in the first instance, to a committee of privileges. That was the course pursued in the case of Pomfret, in the time of James the 1st. In that case it was decided, that the proper course to be pursued was, to refer matters of disputed election to an election committee. He knew nothing of the parties in this case; but he must say, that an election committee would be the only tribunal in which justice could be done, and an opportunity given of defending the return complained of, and shewing that it was legal, and one which the House ought to adopt. The learned member had found a precedent for the course he recommended in the time of William and Mary, about the year 1690. At that time the House exercised a jurisdiction over returns, and felt no hesitation whatever at acting, if a clear case was brought before it, without the aid of a committee. But the object of the Grenville act was, that in no case the House should act of itself. The greatest danger would arise from the House exercising such a power: and even if it were to assume the jurisdiction, it would not proceed to exercise it, without first referring the matter to a committee of precedents. There were several cases on the subject, but he would not then go into them, as he thought there was but one in which the House interfered with a return to which the sheriff was no party. There was, however, one case which bore a strong analogy to the present: it was that of the borough of Liskeard. There the party to whom the precept was issued by the sheriff made a regular return, and another return was made by other parties. The one return was under the regular seal of the corporation, while the other was without that requisite, and under the seals of parties to whom no precept was issued. There could be no doubt of the irregularity of the latter return, but still he was of opinion, that to interfere in the manner required by the hon. mover, in the present instance, would be improper, and the more so, because it could be decided by an election petition. It could not be done without the examination of evidence at the bar of the House; and it would be unusual and inconvenient to examine and cross-examine a number of persons at that bar. By the election laws there was a committee expressly appointed to try the merits of election petitions and returns. In the case of the city of Westminster, in 1784, the high bailiff made a return, not of certain persons to sit in that House, but that certain candidates had such and such a number of votes. Against that return Mr. Fox petitioned, and the House decided, that they could take no cognizance

of it, because they could only come to a decision upon a return, but in that case there was no return at all. The House there felt a difficulty as to how it should act, and an act was immediately passed, giving the House power to decide on petitions in cases where there had been no return. There were no grounds upon which the House could proceed to do what was required of them. There were a number of facts no doubt stated; but it would be much better to refer the case to an election committee, which had power to examine witnesses upon oath. In that case the House, if there were any breach of duty, either on the part of the sheriff, the returning officer, or the clerk of the Crown, could visit it upon the party offending, or the aggrieved party might have his remedy by action, against whoever was in fault. The House ought certainly, as far as possible, to discourage double returns; because, of the two persons returned neither could act, and the place which they both sought to represent was literally without a representative so long as the case was undecided. For these reasons, he must object to the motion, and he entreated the House to pause before they consented to a proceeding which might form a precedent capable of leading to considerable mischief.

Mr. *Lockhart* was not disposed to concur fully with the hon. and learned mover, although he certainly had not heard anything from the right hon. gentleman to affect his statement. He thought the House ought to exercise its utmost vigilance to guard against fictitious returns. Suppose, for instance, that in some of the boroughs or popular places of England, where persons voted by scot and lot, some person on the part of the scot and lot voters assumed to officiate as the returning officer, and that his return was forwarded to the sheriff, and accompanied the writ to the clerk of the Crown's office; great difficulty might arise from setting aside such a return. He, therefore, thought it necessary to adopt some measure to provide against the inconvenience that might arise from undue returns in such a case, or in a case similar to the present. When it was considered what expense arose from prosecuting petitions in cases of controverted elections, every precaution should be taken to prevent fictitious returns. He would support a motion that went to effect such an object.

Mr. *Brougham* differed entirely from the right hon. gentleman in the observation, that an acquiescence in the present motion would infringe upon the Grenville act. The right hon. gentleman was not more disposed than he himself was, to bestow hearty commendation upon that act, than which no one more wise or virtuous had ever been framed by that or any other assembly. For what was the object of that act? It was to make a voluntary surrender, on the part of this branch of the legislature, of a jurisdiction which it found itself not capable of wisely and impartially exercising. So far, therefore, as the Grenville act went to take from that House, in its collective capacity, the right of determining upon cases of controverted elections, and to refer such cases to a more satisfactory tribunal, it had his approval. But this provision for a competent tribunal to decide upon such cases, did not go to take away from parliament the right and power of self-defence and protection, in the event of circumstances totally unconnected with those under which that act was originally passed. Did his hon. and learned friend propose, that that act should, in this particular case, be infringed on, or did he propose that inquiry and examination should be abandoned, where investigation could be attended with advantage? No such thing. There was here no necessity for such inquiry; for the decision was to be formed on an inspection of the returns themselves. They were both before them. It was unnecessary to examine into the details of the election; for there were documents before the House which, without reference to such details, would enable them to come to a decision. Here were two returns. In one, the indenture was annexed to the writ by the sheriff; in the other, it was not. In the one all the necessary forms were complied with; in the other, they were not. The question for the House to determine was, which of these returns the House should adopt? Witnesses were not necessary. They had the evidence of their own senses to regulate them in the course most proper to pursue. The case of the election of Liskeard had been adverted to; but, in his opinion, the cases were by no means analogous. Even in that case he had the high constitutional authority of Mr. Pitt to support him in the opinion, that that case did not fall within the Grenville act, and that the

House went too far, when they referred it to a committee, and neglected to decide upon it themselves immediately. But if that was a case which called for the interference of the House, how much more strongly did the present do so? For there was this difference between these cases, that in the case of Liskeard both returns were annexed to the writ, but in the present there was only one; and it was therefore more imperative on the House to come to a decision. The two cases were *toto cœlo* different. The most satisfactory test of the validity of the return was, that of its being annexed to the writ. If such a practice as that now complained of was permitted, it would be competent for any person who might wish to prevent the properly elected members from sitting for any place for some months after the election, to send returns to the sheriff; who, for his own security, would probably forward them to the Crown-office, and thus the duly elected members would for a time be debarred from sitting. By such means, it would be competent for him, with two hundred pieces of paper forwarded to the sheriff, and by the sheriff transmittedto the Crown-office, to embarrass the returns of two hundred members; and he owned there were times in that House, when he would be glad that he could perform some operation that could effect such a reduction of members [a laugh]. However desirous he or any other person might be, to possess the power of making such fictitious returns, he thought that that capability in him, or in any other person, would very inadequately compensate for the mischief arising from making mock returns to that House. Among the many other disadvantages which the return of which the present motion complained was, that it was not made until four days after the correct return. The motion of his learned friend did not go to deprive any party of a right which they might suppose they were entitled to; it only went to declare which of the returns, upon the evidence of the returns themselves, was the one that that House ought to sanction and approve of. It did not deprive any party of the opportunity of petitioning against it, or of adopting any ulterior measure they might think proper.

Mr. *Huskisson* said, that nothing was further from his intention than to take any part in this discussion, nor was he aware of its nature until he had entered the House; but having been concerned in the Liskeard case, he felt it necessary to say a few words, in reference to the proceedings on that occasion. He was proposed as a candidate, and a majority of votes tendered for him. For the other candidates, votes were also tendered, many of which were rejected. The agent of the other party procured a piece of parchment, to which he obtained the signatures of several persons who were rejected voters, and that parchment was received by the under sheriff, and by him attached to the precept. It was contended in the House, that it was a case not necessary to be referred to an election committee, and the general consideration of it was as it had been represented by the learned gentleman. What the circumstances which accompanied that case had to do with the present question, was for the House to determine. There was no double return. There was no return at all, or any thing partaking of that character. The distinction between it and the present case was, that the matter was then determined by a simple inspection of the document; but here there were two returns; each of them pretending to be a return. It appeared to him that this case could not, like the former, be decided by a simple inspection of the returns. It was not competent for him to say how far the clerk of the Crown was, in the present case, in fault, but he was certain, that officer would be able satisfactorily to account for his conduct. Whether the question was similar to the former, was for the House to decide. All he knew was, that he had been, in that instance, kept for some time out of his seat.

Mr. *Abercromby* wished to explain that nothing could be taken as a return to the king's writ, except the return made by the sheriff to the Crown-office, and by the officer of the Crown to the House. There was the book on the table, stating that one return was annexed to the precept, and annexed by the sheriff to the writ; and also stating, that the other return was not annexed to the precept or to the writ, as well as that it was not regularly received, in point of time. From the manner in which the entry was made no further evidence was necessary for the House to decide the question.

Mr. *Wynn* said, he had never contended that any return should be received by the House, except such as had been made through the sheriff; nor did he think the

House would treat that as a return which had not been regularly annexed to the writ. He only contended, that it would not be safe for the House to decide at once without any inquiry.

Mr. *Horace Twiss* thought the House ought to decide from the documents before them. If they went out of those documents, they would travel out of the record.

Mr. *Carter* thought the House had no power to alter the return made by the sheriff, except it was decided by a competent tribunal that he had acted corruptly or illegally. He thought, therefore, that the book on their table was quite sufficient to decide the case. The second return, it was clear, was never mentioned as a return by the sheriff himself.

Mr. *D. Gilbert* thought the whole question was, whether the second return could be called a legal return. In his opinion, it was no return at all, though he did not think that any blame was attributable to the sheriff.

Mr. Secretary *Canning* said, he must make a confession, and take to himself whatever shame attached to it; namely, that he was ignorant of the course which ought to be pursued in this case, and if called on to vote, he must oppose the motion; because, in his present state of information on the subject, he was unwilling to assent to a vote which would decide it all at once and for ever. He was not prepared to go the whole length with the hon. and learned gentleman in saying that want of annexation to the writ constituted a nullity. If that were so, undoubtedly the learned gentleman's case would be a very strong one. However, as it would be better to decide by precedents, and as this would decide future cases, he would suggest the propriety of adjourning the question for further discussion, when they would come better prepared to give it that attention which its importance required. He had at first thought that it would be better to call the clerk of the Crown to the bar, to give explanation, if necessary; but on consideration, he thought that might be deciding the case at one side. He would move, that the debate be adjourned to Wednesday, and that the clerk of the Crown be ordered to be in attendance.—Agreed to.

Corn Importation Acts—Order in Council.] The House having resolved itself into a committee on the Corn Importation acts, to which the Order in Council of the 1st of September was referred,

Mr. *Huskisson* addressed the committee. He began by observing, that as the Orders in Council for the opening of the ports for the admission of oats, oatmeal, peas, beans, and rye, which had just been referred to the committee, was issued, not only without the authority of law, but in direct contravention of existing statutes, and as his Majesty had called parliament together at this time chiefly for the purpose of having that order submitted for their consideration, he thus took the earliest opportunity of submitting to the House the grounds on which his Majesty had been advised to issue that order. This was a duty which ministers owed to parliament, to the country, and to themselves; and if it should be the pleasure of the legislature to grant them the indemnity for which they sued, so far from its becoming a dangerous precedent, it would rather tend to strengthen and confirm the precise bounds by which the different authorities in the state were limited. They owed it also to themselves to seek the indemnity of parliament, as they would otherwise be subject to certain legal consequences for having so advised the Crown; and they likewise owed it to those subordinate officers who acted under their orders in opening the ports. The date of the Order in Council was the 1st of September. At that time most of the members of parliament were resident in the country, and had opportunities, in their several districts, of observing the state of the harvest. That circumstance would render it the less necessary for him to go into any lengthened statement on the present occasion; and he was certain the recollection of those members would bear him out in the assertion, that never was there a period when the reports from the different parts of the country so entirely concurred as to the harvest, and he hoped that those reports would be sufficient to justify ministers in the course they had pursued. With respect to the state of the crops at that time, he would say first, that wheat, taken as a whole, was deficient in quantity and quality; and the quality of course affected the value of the quantity. Barley, on the whole, would not make more than about two thirds of an average crop. Oats were generally deficient, and beans and peas much more so; and such had been the appearance of those crops in the ground, that in the month of

July the prices were rapidly rising. About the middle of June, when the price ought to be at the highest, as the old stock would at that time be nearly exhausted, the average price was 22*s.* 11*d.* On the 4th of August, taking the average of the whole kingdom, it had risen to 27*s.* 3*d.*, and had considerably exceeded that price in many districts. The House were aware that the two weeks from that date were the only weeks which were left to be included in the general quarterly average. The last of those two weeks it had risen 1*s.* 6*d.* above that price, at which, if it were the general average of the quarter, the ports would be open for the importation of foreign oats. With this information as to the general deficiency of the crop, and the consequent apprehended scarcity, they waited to see what would be the price in the two remaining weeks. In the week ending the 18th, the general average price was 28*s.* 2*d.*; in that ending the 25th, it was 29*s.* 4*d.*; and in the last days of the month it rose above 30*s.* On the 1st of September it was 30*s.* 7*d.*, and was continuing to rise rapidly. The committee would bear in mind, that in several districts where oatmeal, and not flour, constituted a very large proportion of the food of the people, its price rose very much above that which had been quoted as the general average. Besides the knowledge of these facts, his Majesty's ministers had also the information, that the crop of oats was in general a failure in several foreign countries from which oats were usually imported. Knowing this, and seeing that great scarcity was to be apprehended at home, not merely from the deficiency of the oat crop, but from the general failure of leguminous productions throughout the country, owing to the great drought which prevailed, it became necessary to take steps to obtain a timely supply of food, not merely for the cattle, but for that large portion of the people who were dependent on oatmeal for food. But another circumstance which operated on his Majesty's ministers was, that the accounts from Lancashire and from Ireland were of such an alarming nature, as almost to excite despair; and if the drought had continued, if Providence had not lent its aid by a timely fall of rain, the potatoe crops must have been ruined. In that case, they would have had to fall back on the scanty supply of oats which remained, and must have found themselves in a state of the utmost distress for a supply of food for the great mass of the people. During the whole of his experience, never did the country appear in a situation more alarming. To add to the grounds of apprehension, the hay crop, in the richest parts of England, was in a condition to call forth fears of the utmost scarcity, and the fact was, that at the season of the year in question, such was the miserable state of vegetation, that it was absolutely necessary to feed cattle with green fodder, as in the depth of winter. In such a condition of the country, with such prospects, could there be the slightest hesitation in taking any step that might be requisite for securing to the country a supply of the first necessary of existence? Could his Majesty's ministers, for a single moment, entertain a doubt that their first duty was, at whatever risk, to guard against the impending scarcity, by the admission of peas, beans, and grain? The statements he had made, verified as they must have been by the observation of hon. gentlemen, fully warranted him in asserting that had ministers waited till the 15th of November, when by law the ports might have been opened, the consequences would probably have proved most calamitous. From the rapid rise of prices before the first of September, their continued elevation subsequent to that period, the condition of the crops at home, and the prospects of supply from abroad, he had not the slightest difficulty in saying, that the minister who should hesitate to advise the admission of foreign grain, would be unworthy equally of the favour of the monarch, and of that fair and liberal confidence which was reposed in the ministers of the Crown, while parliament was not sitting. He put it to the committee, whether it could for a moment be thought, that any minister deserved to be trusted by the Crown, or supported by parliament, who could for a single instant hesitate to choose between a breach of the law on the one hand, or the risk, nay the certainty, of famine on the other. Having submitted to the committee these observations, he trusted he had said enough to justify the measure that had been adopted, so far as it related to removing the prohibition, which would have excluded grain until the 15th of November, and he would have contented himself with having said thus much, had that measure been confined to simple removal; but there was another feature of the case which required notice. He al-

luded to the duty to be imposed on the grain admitted, or rather, he should say, undertaken to be paid thereon. The advisers of the Crown, on this occasion, had departed as little as possible from the spirit of the existing Corn-laws. They required the parties importing to pay certain duties; that is, the order in council imposed upon the importers the necessity of entering into an engagement to pay a specified duty, provided that duty should be sanctioned by parliament; and, in pursuance thereof, bonds had been entered into. Therefore, the act necessary to be passed on the present occasion, should not merely indemnify the parties who incurred this responsibility, but should, if parliament took the view of the subject which he did, empower the Crown to recover those duties. Honourable gentlemen might differ as to the amount of duty to be imposed. The principles upon which ministers had acted in settling these duties, he would now explain. It was enacted already, that if the price of oats was above 28*s.* the duty was to be two shillings permanently, and two shillings additional for the first three months.

It must be obvious, that the only intention for which the additional duty of two shillings had been imposed for the first three months was, to check the amount imported, lest it should exceed the wants of the country, and thus be injurious to the home-grower. If they had taken a right estimate of the harvest of the year, such a check would have been deemed unnecessary. The whole oat crop had hardly exceeded one half of an average crop. Instead, therefore, of checking the importation of this species of corn, ministers were called upon to give encouragement to the largest importation. On the 8th of September, the average price of the whole kingdom exceeded 30*s.* a quarter; on the 5th of August it had exceeded 30*s.* 4*d.* in not less than six districts. If no foreign corn had been introduced into the country until the 15th of November, the time at which it might have been imported by law, it was impossible to conceive that the price would not have gone on rapidly increasing, until by the 15th of November, the return would have been very considerably above the legal importation price.—On the subject of the amount of the duty, he would observe, that he thought it should not have exceeded 2*s.*; for had 4*s.* been imposed, there could have been but little doubt that the importers would have waited until the 15th of November, and taken their chance of being then able to introduce it at the nominal duty of 4*d.* per quarter. In confirmation of this, he would observe, that of the quantity imported, 600,000 quarters of wheat, 150,000 were actually overheld, the owners declining to pay the duty of 2*s.*, and rather desiring to take their chance on the 15th of November. In the last week, the prices were 29*s.* and 30*s.*, in thirteen or fourteen counties out of the twenty-four, from which he had received reports; and these reports, he could inform the committee, were from counties where the great mass of the population were, in a considerable degree, dependent on oats for their food; amongst which might be included Durham, Cumberland, Northumberland, Chester, Gloucester, and Lancashire, and a few others. In Lancashire the price was 35*s.*; affording another strong proof of the necessity there was for opening the ports, and of obtaining a supply of that article. Under all these circumstances, he trusted he had made out a case to justify ministers in taking off the prohibition, and in securing the country from the dangers by which it was threatened—dangers, from which, he trusted, the decision of the House would encourage the advisers of the Crown, at all times, to guard the country. What, in addition to the indemnity, he intended to conclude with proposing to the committee was, that the duty specified in the order in council should continue till the 15th February, when the next averages would be struck, and, in the mean time, that corn should be permitted to be introduced on the payment of that duty, as it had been done since the issue of the order in council. When the committee looked at the price of grain generally, and of wheat in particular—when they considered the scarcity of food for cattle, and for the great mass of the population—they would, he was satisfied, concur with him in thinking, that not only had a sound discretion been exercised as to the past, but that a continuation of the system would be highly expedient. He would conclude by moving,

"1. That all persons concerned in issuing, or advising the issue, or acting in execution of, an Order of Council of the 1st day of February, 1826, for allowing the importation of certain sorts of foreign corn, shall be indemnified.

"2. That the importation of foreign oats, oatmeal, rye, pease, and beans, be permitted for a time to be limited, on payment of the duties hereinafter mentioned: that is to say, for every quarter of oats 2s.; for every boll of oatmeal 2s. 2d.; for every quarter of rye, pease, and beans, 3s. 6d.; and that all bonds which may have been taken for the payment of such duties shall be duly discharged."

Sir *E. Knatchbull* said, that in looking at the situation in which the country was placed at the period alluded to, his Majesty's ministers were perfectly justified in the course they had adopted. This was his own opinion, and it was also the opinion of many gentlemen with whom he concurred in the general view of the Corn-laws. But, in saying this, he begged not to be understood as meaning to retract any thing he had formerly said with respect to that question. His sentiments remained unaltered on that subject; but he thought the case now before the committee formed no part of that general question. He was ready to admit, that a sufficient case had been made out for the measure adopted by ministers. In expressing that, he believed that he only spoke the feelings of the landed interest. He would go further, and say, that he only spoke their sentiments in declaring, that all the country gentlemen were greatly indebted to ministers for that which they had done. He made this observation, because it was asserted, most unjustly, that the landed interest were the only persons who differed from public opinion upon this most important subject. He knew it was a principle generally admitted among persons concerned in commerce, that, after any unusual depression, they were at liberty to seek for a remuneration of their losses in advanced prices. That was, as he understood, a general principle in trade and manufactures, and it was not at all unfair. But it was not applicable, at all times, to the agricultural interest. That interest had been as depressed as any class in the kingdom, and no good could result from exciting jealousy between them and the manufacturers. The best remedy for the evils of the country was to look them fairly in the face, and not to enter into any recrimination between the different classes of society. When the great question came under consideration, he hoped the House would not be told that landlords were oppressive, and exacted rents that their tenants could not pay. He trusted, that all declamation addressed to the passions of the people would be avoided, and that the question would be discussed without any mixture of prejudice. He did not think this a proper time for entering upon the question of the Corn-laws, and he was glad that ministers had confined themselves to the immediate question before the House.

Mr. *Whitmore* did not rise to oppose the measure now under consideration. He believed it was the only course ministers could have pursued. But it was most desirable, without now attempting to enter on the merits of the great question of the Corn-laws, that an early settlement of it should take place. He could not help pointing out to the House the strange nature of the law by which the corn trade was to have been regulated. They were now deliberating upon the third instance of its infraction within the last three years. Could a heavier censure fall upon any law than that simple fact? They passed a law which suffered repeated infractions from the executive government: they were suddenly convened to consider of the infraction, and they all felt satisfied that the breach of the law was the only safe conduct which government could adopt. The year before last they adopted resolutions in direct contradiction to this law: they did the same last year: and now they were assembled to pass an act of indemnity to ministers for breaking through it. He put it to the House, if such a law ought any longer to disgrace the Statute-book. He was prepared to show, at the proper time, that it was not only in hostility to the general prosperity of the country, but that it acted most injuriously on that interest for whose benefit it had been enacted. He concurred with the hon. baronet in hoping, that no recrimination or angry feelings would be allowed to mix themselves up with the consideration of this question. It was one of vast importance to all interests, affecting, as it did, not only the prosperity of the agricultural, but the manufacturing and trading classes. It was likewise a question of great difficulty, which it became all to approach with calmness; and he trusted, the passions and interests of individuals would not be mixed up in a matter so intimately affecting the universal safety and well-being of the state. With respect to the recent act of ministers, it

was one forced on them by circumstances, and of which the strongest advocates of the existing system did not venture to complain.

Colonel *Wood* wished the hon. gentleman had followed the example of the hon. baronet who preceded him, and refrained from any animadversion on the Corn-law. As he had made many allusions to it on different occasions, it would have been well if the hon. gentleman had taken the trouble to ascertain what that law was. Among the various publications which had appeared upon it, he had perused one which had been put forth by the hon. gentleman. In that pamphlet he found it asserted, that the principle of the law of 1815 was, to cut off all intercourse, as to the trade in grain, with foreign countries; that the trade in corn was rendered, by that law, the exception, and not the rule; and that the object of it was, to screw up the prices at home to an unnatural elevation. Now, so far was the trade in corn made the rule of the law in 1815—so far was it from being made the exception, that it was established, that when the averages were at 63*s.* and under, the import duty should be 25s., and when above 63*s.*, then the import duty was to be only 2*s.* 6*d.* He would leave it, then, to the House to determine, how just had been the assertion of the hon. gentleman, that the object of the law and its effect had been to cut off all intercourse in foreign grain. He begged the committee to look at the three resolutions then passed; the first of which declared, that all corn, come from where it would, should be landed and housed for exportation duty free; and that it should be exported also duty free. He noticed this to show how necessary it was for those who undertook to write upon any law, first of all to understand it. This most valuable regulation they owed to the late Mr. Rose; and the declared object of it was, that whether the country was engaged in war on her own account, or remained neutral in the wars of other countries, there should still be a resource for times of difficulty, in the importation of foreign grain; that the factors of the Baltic might be induced, as it were, to transport their warehouses from Dantzic to our own shores. So much for the design of cutting off all trade in grain. Now, as to the second argument, that of screwing up prices. This was a charge made by the hon. gentleman. This had been a subject upon which the press had been incessantly at work for six months, and such was the misrepresentation to which they had recourse to bring down the Corn-law. The arrangement made by that law went to give the home-growers a remunerating price, and the command of the home-market, while enough grain was produced to feed the whole population; and the average price had been, during five or six years past, not 80*s.*, as it had been assumed by the opponents of that time, but 60*s.* The price of bread for four or five years past had not been complained of nor could it be complained of. As to the measure now under consideration, he agreed, that there was not the slightest objection to the step taken by government, in opening the ports on their own responsibility. There was one thing which he did not exactly understand in the statement of the right hon. gentleman. He did not know, as oats had risen to 30*s.* at the time of publishing these orders in council, why the ports had not been opened at once at the duty of 4*s.* Again, as on the 15th of November, about the time of striking the averages, the ports had been opened till forty days after the opening of parliament, were they to remain open, as under the operation of the law in opening them they would have been, till February, the next period for striking the averages? Upon that question depended another; namely, whether there was any necessity for passing this bill of indemnity now, or whether it could not have been as well done in February? He deprecated the aggravating attempts of the press to dissever the manufacturing and agricultural interests, and hoped that the House would adopt measures which would have the effect of putting a stop to them.

Mr. *Warburton*, member for Bridport, expressed a hope, that the intimation thrown out by the Foreign Secretary of State would be rigidly adhered to, and that any measure relative to an alteration of the Corn-laws would be brought forward in that House without any previous intimation elsewhere; so that every member would come equally unprepared and equally unprejudiced to the discussion of this important subject.

Colonel *Torrens*, member for Ipswich, said, he was aware it was irregular to allude to any discussion which had taken place in that House on a previous occa-

sion, but he might, perhaps, be allowed to assume that, at another time, no matter when, and in a certain place, no matter where, an hon. gentleman had used expressions something similar to the following:—that the traders and manufacturers were seeking to convert themselves into lords and gentlemen, by turning lords and gentlemen, into beggars. Now, if he had heard any such expressions used by any gentleman, he should immediately conclude, that the party so using them deserved to be ranked among the exclusive advocates of the landed interests. For himself, he must object to any attempt to sever the feelings and interests of one class of subjects from those of another. All the great interests were so united and bound together in interests, that they could not elevate one for any length of time but at the expense of the other. He considered the value of land as the true barometer of national opulence. He rejoiced to see that value increased, because it indicated national prosperity. The difference between the agricultural gentlemen and himself was, that he would surround it by a natural and congenial atmosphere of national wealth, while they were anxious occasionally to make the mercury ascend in the scale, and to preserve its precarious elevation by an artificial pressure. If the prices of land should, by these means, be brought so high as to raise the prices of grain and cattle much beyond the level of the European markets, capital would emigrate to more happy climes, and leave the agriculturist to lament over the desolation which he had brought upon himself. It would not be the pulling down alone of the trade and manufactures, but it would resemble the last effort of despairing frenzy, which would drag down the pillars of the temple, and bury itself in the ruins.

Mr. *Western* said, he considered that ministers were justified in the course they had pursued, and that, seeing the temper and feeling of the House, he would not at present enter into the general question of the Corn-laws.

Mr. *Wodehouse* concurred with the last speaker in approving of the conduct of ministers. It was his intention to have gone more at large into the general question of the Corn-laws, but, observing the temper and disposition of the House on the subject, he forbore doing so for the present.

Mr. *Calcraft* thought that ministers could not have acted otherwise than they had done. He would not anticipate the general discussion. He was one of those, who felt great inconvenience at the postponement of the question; yet he could discover many good reasons for that postponement. He approved, therefore, of the determination of government to promulgate nothing until after the holydays. He advised every member to use his best endeavours to allay animosities, and abstain from any observations, until the opportunity should arrive for a full and conclusive discussion of the subject.

Mr. *Benett* deprecated the appointment of any more committees to examine into the operation of the Corn-laws. He conceived such a step to be utterly needless, after the mass of information which had been collected on the subject.

Mr. Alderman *Waithman* observed, that all the interests of the country were so closely connected, that any measure which tended to uphold one of them exclusively, was certain, in the long run, to be injurious to that very interest. In avowing himself friendly to some alteration in the Corn-laws, he did not consider himself to be seeking the advantage of his own constituents at the expense of any other class of the community. He fully agreed with an hon. gentleman who once represented the city of London, that he was not so much sent to parliament to guard the interests of the city, as to guard those of the country at large, and, indeed, he might say, of posterity. In conclusion, he would not compliment ministers on the policy which they had pursued with regard to this question, for he thought that if they had any feeling, they must be nauseated with the compliments they had received already. However, this much he would say, that they would have been highly criminal if they had abstained from acting as they had done.

Mr. *Hume* asserted, that, both in the House and out of it, there was a unanimous opinion, that the question of the Corn-laws ought to undergo immediate discussion. Such being the case, the conduct of ministers appeared very extraordinary. There were hundreds of petitions to be presented from the manufacturing districts against those laws; and no gentleman would perform his duty in presenting them, if he did not state fully the nature of their contents. Discussion

would thereby arise upon the subject daily; and the certainty that it would do so ought to induce ministers to assign a reason for wishing to avoid it. If they expected further information on the subject, the avowal of such expectation would be a fair reason for postponing the discussion of it; but if they did not, they were not consulting the wishes of the country, in not proceeding with it immediately. They had heard much of the interest of the manufacturer, and of the agriculturist, but there was one interest of which they had not heard one word of, and that was the interest of the people.

Chairman of Committees of the House—Mr. Brogden.] On the order of the day for the House resolving itself into a committee of supply,

Mr. *Brogden* addressed the House. He said, that he had now had the honour of filling the important and honourable situation of Chairman of the Committees of the House for nearly two whole parliaments; and he was not conscious of having done any act, during that period, which was either dishonourable in itself or derogatory from the situation which he filled in that House and in society at large. Within the few last months, however, he had been assailed by public and private calumnies, the most unjustifiable and unfounded. He had rebutted those calumnies as far as was in his power; but they were still circulated to his disadvantage, in consequence of the prejudices which had been excited against him. He was happy, however, in having it in his power to say, that from those who knew him best, he had received, not blame, but thanks; he had met, not with accusation, but applause; whilst, on the other hand, he was sorry to say, that among the public at large his character had been torn from him by anonymous publications of the most scandalous and virulent description. He would venture to affirm, that there was no gentleman on either side of the House, let his politics be what they might, who had investigated the merits of his case, and possessed sufficient knowledge of it to decide on the accusations which had been preferred against him. In such a condition, though he felt himself perfectly guiltless, he could not think of presenting himself as a candidate for the office which he had filled in the two last parliaments, until he had removed the calumnies which had been propagated against him [loud cheers]. He was sure that the House would do him justice when an inquiry into the charges against him should be instituted, and that it would, in the mean time, appreciate the motives which induced him to act as he then acted. All that he would say further was, that he was guiltless of all fraud, and that he wished the transaction alluded to by the hon. alderman who had brought it before the House to be fully investigated. At present, he bowed before the storm which had been excited against him; but he was convinced that fair weather would soon return, and that his character would shine with undiminished brightness in spite of the clouds which now obscured it. He would not trespass further on the attention of the House. On former occasions he had often received its indulgence: all that he now asked for was its justice. In conclusion he challenged the worthy alderman, who had been the first to assail his character, to give him a speedy opportunity of vindicating it from the charges which he had brought against it.

Mr. Secretary *Canning* said, he was sure that only one impression could have been generated in the House by the address which the hon. gentleman had delivered—an address which was as creditable to that hon. gentleman's sense of what was due to himself, as it was consonant to the honour of the House, and to the feelings of those whose duty it was to suggest a fit person to fill the chair of the committees. For his own part, he felt that the House, although it might avail itself of the hon. member's determination to withdraw himself at present from the chair, which he had filled with so much credit to himself and advantage to the public business—and he could assure it, that he did not intend to propose the hon. gentleman for its chairman, after what he had just said,—he felt, he repeated, that the House, if the hon. gentleman came out of the inquiry which he had challenged, free from moral taint, would be sorry to make any arrangement which would preclude him from again filling that situation. At the same time, he must observe, that if it had been possible—if it had been either respectful to the House, or kind to the individual—to press him against his own disclaimer, he should have been reluctant to place the hon. member at present in the chair, because he felt that a thousand opportunities

during the ordinary business of parliament might arise, in which the vague rumours, which had necessarily reached the ears of every member in the House, might prove impediments to the progress of business, and matter of unpleasantness to the hon. member himself. The course which the hon. member had taken was, in his opinion, manly, wise, and honourable. He was confident that the hon. alderman who had menaced that hon. member—and he did not use the word "menaced" in an offensive sense—perhaps he ought rather to have said, who had given that hon. member notice of his intention to oppose his re-election to the office of chairman of the committees of the House, would feel himself bound to give him as early as possible the opportunity which he sought of exculpating his character. Until that exculpation was complete, he should not deem it respectful to the House to propose to place the hon. member in that situation, which he could not fill to the public advantage, unless he took it free from all moral taint. When the proper opportunity arrived, he should propose as chairman, *pro tempore*, another hon. gentleman, who had long been a member of the House, who was conversant with its forms and modes of transacting business, and whom he could venture to recommend to their notice as a man of unblemished honour. He would also say this of that gentleman, that though the chairmanship of their committees would be to him, as it must be to every member, an object of honourable ambition, he would be more happy in restoring it to its ancient possessor, free from all reproach, than he would be in holding it himself, whilst that gentleman was labouring, unjustly, under the obloquy of the public.

Mr. Alderman *Waithman* said, he felt himself in as painful a situation—indeed he might say, in a more painful situation—than he had ever before felt in addressing a public assembly. He wished it to be distinctly understood by the House, that he did not come forward as the accuser of the hon. gentleman. With regard to the transactions which he had brought before it, and which the hon. member had acknowledged to be fraudulent, the hon. member said that he knew nothing. He gave the hon. member credit for that assertion; and he now informed the House, that it was not upon that ground alone that he opposed the re-election of the hon. member to the situation of chairman of the committees of the House. He had seen so much of the gambling speculations which had recently disgraced and exhausted the country—he knew so much of the manner in which they were concocted and subsequently managed—that he considered it derogatory from the honour of the House to have any man connected with so many of them, as the hon. member was, placed in the respectable situation of chairman of their committees. "Indeed," continued the hon. alderman, "had it been possible for you, Mr. Speaker, to have been connected as the hon. member is with numbers of these joint-stock companies, I should have felt it to be my duty, upon public grounds, to have made the same objection to your re-election to the office which you now so honourably fill, as I ventured to say that I should make to the re-election of the hon. member to the post which he filled in the last parliament." He declared that he should not have said a word bearing upon the hon. member, had not the hon. member been likely to be again called to the situation which he had twice before had the honour of filling; and though he might have felt it his duty to have brought the whole of the joint-stock companies under the notice of parliament, he should not have placed the hon. member's connexion with them under its consideration, unless it had arisen naturally out of the investigation. He knew that many hon. members of that House had lent their names to those speculations; and that by so doing they had inflicted considerable mischief on unsuspecting individuals, though they had had no participation in the fraudulent gains. If such an inquiry as he proposed should take place, he trusted that the House (even though some hon. members of it should be implicated by it, and should be proved to have extracted money out of the pockets of the people, by raising the price of shares by unfair and dishonourable artifices) would do its duty to the country, and would institute a rigid investigation into every circumstance connected with the subject. It might perhaps be asked, why he had put himself so prominently forward on this occasion. He could give many reasons; but one should suffice. It was his fortune to be placed in a high and dignified situation in the year 1824, when this mania was at its height. He was at that time

lord mayor of London, and in consequence, had numberless applications from the various parties in getting up the bubbles, to give his sanction to them. He believed that by putting his name to those applications he might have put thousands of pounds in his pocket. He saw, however, through the views of the parties who applied to him: he saw the mischief which their schemes were certain to produce; and he determined to enter his protest against them. It was, perhaps, that very determination which induced him to watch the progress of those bubbles more narrowly than he otherwise should have done; and the knowledge which he acquired by so watching them, convinced him of the necessity of entering into an investigation of their nature, in case the hon. member, or any other gentleman, connected with equal numbers of them, should aspire to the chairmanship of the committees of that House, in order to enable the House to decide whether they were or were not qualified to perform its functions. He thought it right to observe here, once for all, that he had no sort of personal ill will to the hon. member. He had known him many years: he had had some commercial dealings with him; and from the time when his acquaintance commenced with the hon. member down to the present moment, he had never had any ground to complain of him as a man of honour. He felt it his duty, however, on public grounds, to bring the subject before the House. He had observed these gambling speculations from their commencement to their close: he had witnessed the ruin which they had diffused throughout the country: he had seen men of large property stripped of their all, and their names in the Gazette, owing to their dabbling in them; and he, therefore, thought, that a full examination ought to be instituted into them, not an examination confined to the hon. member, and letting others go free, but one which should embrace all who had become directors of these various companies. If the hon. member should be able to exonerate himself from the charges which had been publicly brought against him, he should be as well pleased as any of the hon. member's friends, and should not offer any opposition to his re-election to that chair, which the hon. member had filled with so much satisfaction.

The House having gone into the committee, Mr. Secretary Canning named sir Alexander Grant, as chairman of committees. On taking the chair, sir A. Grant addressed the committee. He expressed his concurrence in what had fallen from his right hon. friend, the Secretary for Foreign Affairs, respecting the late chairman, and said that no man would be more rejoiced than himself to see him restored with honour to the situation which he had filled so ably in the two previous parliaments.

HOUSE OF COMMONS.

Monday, November 27.

Poor Laws and Emigration—Petition of Mr. Gourlay.] Mr. Hume presented the following petition:—

"To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, the Petition of Robert Gourlay,

"Humbly showeth, That your petitioner, while travelling through England, in the year 1800, became acquainted with Mr. Arthur Young, secretary to the Board of Agriculture, and was prevailed on by him to visit certain counties, examine and report concerning the condition of the labouring poor; that he then saw that substantial benefits were required to better their condition, and thenceforth made the subject his leading pursuit.

"That, in the year 1809, your petitioner removed from Scotland, and rented a farm in Wiltshire, chiefly to ascertain more correctly how the system of the poor-laws could be reformed; and by the year 1817 had nearly satisfied himself, when he had occasion to go abroad to Canada, where his views of such reform were expanded, and became clear, by connecting this with a grand system of emigration.

"That, ever since then, your petitioner has been overwhelmed with misfortune, but never for a moment has he relinquished the great object of his life; and now feels confident that, by simple means, and within twenty years, the poor-laws of England may become a dead letter, and all need for such in Ireland be done away.

"Having had petitions presented to the House of Commons every session of last parliament, on the subjects of Poor-law, Reform, and Emigration, your petitioner now intreats that a select committee may

be appointed to examine these petitions, and gravely consider these subjects, as by far the most important and pressing business of the present time. And he will ever pray."

Ordered to lie on the table.

Corn Laws.] Mr. *Hume* said, he held in his hand a petition from the incorporation of guildry of the city of Brechin, praying for a speedy revision of the Corn-laws. The petition stated, that the admission by ministers of foreign grain, was a measure of prudence and necessity, and the petitioners were unanimous in their expression of that opinion. The concluding part of the petition prayed the House not to adopt half measures with regard to the Corn-laws, but so to deal with them as to remove the necessity of ministers having again to claim an indemnity from parliament for effecting a public good. The hon. member then claimed the indulgence of the House while he referred to a report in a daily paper, tending, as he said, to injure him in the eyes of the country. He was well aware of the malice and inveterate rancour pursued towards him by some individuals connected with the public press, who gave publication to a series of calumnies that seriously affected his character. He hoped, however, that the time was not far distant when the imputations under which he laboured would be satisfactorily cleared up, by a full explanation of the circumstances which had given rise to them. The hon. member then said, in alluding to the report in question, that at the close of his observations respecting the corn question, a few nights ago, when he called upon ministers not to postpone the consideration of that important measure, as the peace of the country and the interest of the people at large would not admit of delay, it was asserted that he was coughed down. Had such been the case, it would certainly not have been the first time that the House had signified a wish that he should not say more; but he begged to state, that his meaning on the occasion alluded to was only partly given, and to say that he experienced in that House such treatment was only adding to the calumnies with which he was constantly assailed. He had too much confidence in the indulgence of the House, and the favour of the Speaker, to suppose that such treatment would have been pursued towards him. He stated then, and he now begged leave to repeat the sentence, which at the time he delivered it, did not appear to have been understood. His words were, "The broad principle of the Corn-laws involved not only the interest of the people, but the peace of the country," and that, therefore, "the consideration of that question could not with safety be postponed." The latter part of that sentence was not given, and he felt it a duty to himself that his meaning should not be withheld. He regretted that he did not see the Secretary of State for Foreign Affairs in his place, as he wished to have asked the right hon. gentleman whether it was the serious intention of government to postpone the question of the Corn-laws. It was notorious that the country was labouring under the greatest distress; and if any serious mischief should arise from an over pressure of calamity, that mischief might fairly be attributed to the postponement of this most vital question. So earnestly did he feel the necessity of an early consideration of the Corn-laws, that if ministers should determine to defer its discussion, he would himself endeavour to induce the House to bring in a bill for the admission of foreign corn. The hon. gentleman proceeded to contend, that the fears of the country gentlemen were considerably over-stated with reference to the corn question; and nothing, he maintained, but a fair and full discussion of the subject could bring its bearings fairly before the public, with a view to the interest of all classes. He hoped the observations which he threw thus loosely together, would not be lost upon the House; and that it would not separate for three months without coming to some decision on a question of such paramount importance as the Corn-laws.

Mr. *Hurst* said, he could assure the House that the landed interest did not by any means feel the alarm on the subject of the Corn-laws which was attributed to them. He for one had a full confidence in the wisdom of the House, and was satisfied that it would not proceed to legislate on such a subject without maturely weighing the interests of all parties concerned. It was desirable that it should be soon disposed of, as landlords at present were embarrassed upon what terms to let their lands.

Ordered to lie on the table.

HOUSE OF LORDS.

Tuesday, November 28.

CORN-LAWS.] Lord *King* said, he had several petitions to present on the subject of the Corn-laws; and he was very sorry, on that occasion, that he could not follow the recommendation of the noble and learned earl on the woolsack, who had stated it to be more conformable to parliamentary usage to present petitions without any comment. If it were his wish to perpetuate all kinds of abuses, he certainly would follow the prudent example which the noble and learned lord had set; but his object being the direct contrary, he should take the liberty of now making a few observations. The first petition which he should present, was one from the weavers of Carlisle, which he had selected on account of its importance and the sufferings which the petitioners had endured. Those sufferings would be an ample excuse for the language which they had used. It was, indeed, most extraordinary that so large a number of the king's subjects should put their names to a petition containing these words; namely —"that thousands, and probably hundreds of thousands, frequently addressed each other, coolly inquiring whether it was not as well to die on the scaffold as of hunger?" Excuse for this was alone to be found in the extremity of their sufferings. He had inquired of gentlemen capable of giving the best information on the subject, and he found that the petitioners had given but too true a picture of their sufferings. Nothing but great suffering could have induced such language, and the petition might, therefore, be regarded as displaying the feelings of the people. The petitioners prayed for the abolition of the Corn-laws; and, as drowning men catch at straws, they prayed besides for an appropriation of that property called church property, to the payment of the national debt, and also for a reform in parliament. The petition was worded with all proper expressions of humility to their lordships.

The Earl of *Lauderdale* supposed this to be a petition for the repeal of the Corn-laws; but he now found that it was one for the confiscation of church property, and for reform in parliament.

Lord *King* said, the petition was for the abolition of the Corn-laws, though it suggested other measures in addition to that abolition. He had another petition to present on the same subject. It was from the royal borough of Arbroath. The petitioners highly approved of the measure adopted by ministers for the introduction of foreign grain. And prayed for a revisal of the Corn-laws. He should not then trouble the House with any more petitions, as it appeared that their lordships did not wish to have too many at a time.

The Earl of *Lauderdale* wished to observe, that he never remembered to have seen the House in the situation in which it appeared to be placed at present. To be sure the noble earl on the woolsack and another noble earl opposite (Westmorland) were in the House; but these were not the usual persons of whom answers to any questions which their lordships might have to put were expected. He should much wish to have the opportunity of seeing another noble earl (Liverpool) in his place, as he had a motion to submit to the House, which he wished to make when the noble earl was present, and he knew that other noble lords were equally desirous of seeing the noble earl in the House.

The Earl of *Westmorland* believed it was the usual practice for noble lords to give notice of any motion of importance which they might intend to bring forward. He was confident that, if his noble friend were made acquainted with the wish of any of their lordships to see him in his place, he would not fail to attend.

CATHOLIC EMANCIPATION.] Earl *Spencer* presented a petition from the county of Mayo, praying for Catholic Emancipation. The noble earl said, he entirely concurred in the object which the petition had in view. Ever since the Union of the two kingdoms, which was now upwards of a quarter of a century, he had never altered his opinion on the subject of the Catholic claims. On the contrary, every year tended more and more to add to the conviction he entertained, that neither the interests of strict justice, nor of sound policy could be duly regarded, until those claims were conceded. In fact, without concession there could be no hope of peace or security for the empire, and he felt persuaded that continued resistance to those claims must ultimately be attended by some tremendous disaster. He trusted, however, that when the question should again be brought forward, the result would be different from that which

their lordships had witnessed hitherto.

Ordered to lie on the table.

HOUSE OF COMMONS.

Tuesday, November 28.

ARIGNA MINING COMPANY—PETITION OF ROGER FLATTERY.] Mr. Alderman *Waithman* said, he had a petition to present to the House, which was of great importance to the public, and involved also the honour and independence of the House. The petition was from Mr. Roger Flattery, of Dublin, who was formerly a civil engineer in the employment of government, and whose name must be familiar to many gentlemen present, as connected with the Arigna Mining Company. The petitioner complained of a variety of grievances which he suffered in consequence of his connexion with that mischievous and ruinous undertaking. It appeared that Mr. Flattery had sold his interest in the Arigna mines to the undertakers of that scheme, for the sum of 10,000*l.*, reserving to himself one fifth of the profits thereof, making his interest in the company to amount to 25,000*l.* Of that sum, however, he complained that he had been unjustly defrauded, in consequence of the malpractices of the directors of the company. The petitioner therefore prayed the House to take the conduct of those persons into consideration, and also to institute an inquiry with respect to the part which some honourable members of that House had taken with regard to that concern. The worthy alderman said, that the presenting of this petition had, in some measure, anticipated his intention of bringing the whole of the proceedings of the Arigna company before the House, some day in the next week. With respect to an hon. gentleman, whose name was connected with the company (Mr. Brogden), he should certainly have fulfilled his intention of bringing forwarded to the notice of the House the conduct of that gentleman, and it was his fixed determination to have shown that he could not, consistently with the dignity and honour of parliament, have filled the situation to which he had been appointed. That hon. gentleman, however, having declined to act as chairman of the committees of the House, he would not have felt himself called upon to proceed any further at present, nor did he wish to bring forward charges either against the hon. gentleman or against any other individual, but that facts had lately come to his knowledge which he should feel it his duty to submit to the House on an early occasion, and he hoped that a committee would be appointed to whom the case would be referred, and that that committee would be composed of gentlemen who were not interested in companies of this decription. With respect to the present petitioner, he could assure the House that he had never seen him until that day, nor had he ever had any connexion directly or indirectly with him. The worthy alderman concluded by moving that the petition be brought up.

The *Speaker* wished to ask the hon. alderman whether the petition implicated any member of that House by name.

Mr. Alderman *Waithman* replied, that it did not. It merely prayed for an inquiry into the conduct of the persons connected with a certain company.

The petition, which ran as follows, was then brought up and read:—

"To the Right Honourable and Honourable the Commons of the United Kingdom of great Britain and Ireland, in Parliament assembled. The humble Petition of Roger Flattery of the city of Dublin, Civil Engineer, formerly in the employ of his Majesty's government,

"Showeth,—that your petitioner having read in 'The Times,' and other newspapers, reports of the proceedings in your honourable House on Tuesday last, the 22nd November instant, when mention of your petitioner was made by name, and the conduct and character of one or more of the members of your honourable House were, in the opinion of your petitioner, justly called in question, your petitioner humbly hopes that your honourable House will be pleased to accept a short detail of facts at the hands of your petitioner, whereby the conduct of certain members of your honourable House may be investigated, and justice rewarded.

"Your petitioner finds that the fact of a certain sum of money, 15,000*l.*, having been unjustly taken and secreted by certain individuals, acting as directors or otherwise, of the Arigna Iron and Coal company, is happily made known to your honourable House; and while the distress and ruin which have spread over different parts of the United Kingdom, from the many fraudulent schemes and joint stock associations, either concocted by, or having

the patronage of, members of the legislature, cannot be unknown to your honourable House, your petitioner humbly trusts that a full inquiry will be forthwith instituted; and with reference to the Arigna Iron and Coal Company, your petitioner humbly prays the attention of your honourable House to the contents of the following affidavit, sworn by your petitioner before the lord mayor of the city of London:—

'In the matter of the Arigna Iron and Coal Company.

'Roger Flattery, of the city of Dublin, 'civil engineer, formerly in the employ of 'his Majesty's government, maketh oath 'and saith, that having certain mineral 'properties, situated in the counties of 'Roscommon and Leitrim, suitable for the 'manufacture of Iron, in aid of the works 'on which this deponent wanted a loan of 'money, this deponent came over to London 'in May, 1824, and shortly afterwards made 'the acquaintance of sir W. Congreve, bart.; 'this deponent was introduced by sir W. 'Congreve to John Schneider, esq., a re'spectable merchant of the city of London, 'and this deponent had for some time rea'son to believe that a sum of money suf'ficient for his necessities would be ad'vanced to him by that gentleman, but 'about that period there existed so strong a 'bias in favour of Joint-stock associations, 'that this deponent was induced to listen 'to the representations of sir W. Congreve 'and others to some plans for forming a 'Joint-stock company, in aid of this de'ponent's iron works. While the plans 'for forming a company were maturing, it 'was understood that this deponent should 'have a temporary advance of 3,000*l.* from 'the aforesaid John Schneider; but two 'individuals, named Henry Clarke and 'Joseph Clarke, brothers, having de'termined on being directors in the pro'posed company, the said John Schneider 'declined to act. Sir W. Congreve 'then authorized Henry Clarke to raise a 'sum of money in aid of the works, 'until he, sir W. Congreve, then on the 'continent, on the concerns of the Gas 'Association, should be able to return to 'form the company. This deponent met 'the said Henry Clarke on the 30th of Oc'tober, in the same year, who undertook to 'let this deponent have a sum of money in 'the early part of the following month, 'and to send over a captain Vivian, with 'full powers for carrying on the works upon 'a large scale. On this understanding 'deponent, a few days afterwards, signed 'a deed, acknowledging to have received a 'sum of 25,000*l.*, and gave up his deeds. 'The trustees in the deed, then executed, 'were P. Moore, esq. M. P. —— Barrett, 'esq., M. P., and John Dunston, esq. 'This deponent saith, that he signed the 'said deed in a full reliance on the honour 'of the parties, was then hastening to Ire'land to go to the works, but did actually 'receive at the time only 150*l.* in earnest. 'This deponent saith, that the said Henry 'Clarke and others, having thus possessed 'themselves of this deponent's deeds and 'writings, then immediately formed a 'company. In the months of December 'and January following, this deponent re'ceived a sum of 3,750*l.* in cash, and had 'also 1,250 shares allotted to him, to 'make up the sum of 6,250*l.* more. This 'deponent saith, that a pledge made by 'the said Henry Clarke to advance money 'was not fulfilled, and that the money 'paid to deponent in December and Ja'nuary aforesaid, was from the sale of 'shares. This deponent also saith, that 'he has only about 10,000*l.* in money 'shares, instead of the sum of 25,000*l.* 'which this deponent signed. And this 'deponent verily believes, that the sum of '15,000*l.*, being the difference between 'the 10,000*l.* paid to him and the 25,000*l.* 'charged to the shareholders of the Arigna 'Iron and Coal company, was taken and 'shared in manner following, and such 'division was made by the said Henry 'Clarke—viz. the sum of 5,000*l.* to him'self, Henry Clarke, a director; the sum of '5,000*l.* to Joseph Clarke, a director; the 'sum of 3,000*l.* to sir W. Congreve, a 'director, and chairman of the company; 'the sum of 1,000*l.* to John Hinde, an 'agent in the company; and the sum of '1,000*l.* to H. D. Branbirn, agent to the 'company, and brother-in-law to sir W. 'Congreve, making up the said sum of '15,000*l.*, which this deponent considers 'the shareholders in the Arigna Iron and 'Coal company to have been unjustly de'prived of. And this deponent further 'saith, that he verily believes a sum, ex'ceeding 30,000*l.* was also gained by the 'directors of the Arigna Iron and Coal 'company by trafficking in and on pre'miums upon the shares of the said com'pany. And this deponent holds at the 'present moment from 500 to 600 shares 'of the said company, which are to this 'deponent quite valueless.'

"Your petitioner humbly prays the attentive consideration of your honourable House to his peculiar case; for, in consequence of the delusions practised, neither royalty nor product has ever been paid to your petitioner, notwithstanding the large sums of money taken from the pockets of the public, and the works are in a perishable state.

"Your petitioner now humbly throws himself on your honourable House praying that the conduct of those members of your honourable House who have been engaged in the affairs of the Arigna Iron and Coal company may be investigated, for your petitioner has suffered great losses by the peculations committed, and will be obliged to file bills in the court of chancery, in Dublin, for the recovery of his property. And your petitioner, as in duty bound, will ever pray."

Mr. *Wynn* said, it was contrary to all rule that the House could entertain this petition. Besides other obvious objections to its being received, the petition referred to certain debates which had taken place in that House, and hon. gentlemen must be aware that such a proceeding was highly irregular.

The *Speaker* was of opinion, that the petition was one which the House could not with propriety entertain. In the first place, if the petitioner complained of the conduct of certain hon. members by name, it was but just and reasonable that those members should have had due notice of the charge against them. If, in the second place, the petitioner made a general complaint, how was it possible to say which of the 658 members were meant to be accused? The petition, moreover, referred to certain unauthorized reports of the proceedings of the House, which could only find their way to the public by a breach of privilege. An affidavit was also referred to by the petitioner; but, could the House depart so far from its established usage as to admit affidavits in one shape and not in another? Under all the circumstances, he was of opinion that the petition was one that could not be received by the House, and he therefore recommended the hon. alderman to withdraw it, and, if he pleased, to bring it forward in an amended form.

Mr. Alderman *Waithman* said, that seeing the disinclination of the House to entertain this petition, he felt it to be his duty to yield to the suggestion of the Speaker, and withdraw it. At the same time he thought it necessary to state, that the petition did not accuse members of that House generally; but only those members who were connected with the company to which the petitioner referred.

The petition was then withdrawn.

RESOLUTIONS RELATIVE TO COMMITTEES ON PRIVATE BILLS.] Mr. *Littleton* rose for the purpose of submitting to the House certain Resolutions on the subject of Committees on Private Bills. They were, he observed, the same as those which he had submitted in the last session of the last parliament. It was not his intention, at present, to propose that they should form part of the standing orders of the House; but merely that they should continue in force during the present session, by way of experiment. If, at the end of that time, they should be found to have answered the object in view, it would be for the House afterwards to decide whether they should be enrolled amongst its general standing orders. As there were many members in this parliament who, he supposed, were not acquainted with the reasons which had urged the introduction of those resolutions in the last session, he would briefly state, that it had in that session been found necessary to provide some remedy for what was admitted to be an evil in the mode of carrying private bills through the committees. Complaints had been unsparingly made against the conduct of many members; and it was alleged, that very many of them had voted on committees where their own interests were concerned. He was aware that most of such complaints rested on very weak foundations; that they were frequently made by parties who had been foiled in the prosecution of improper projects; and sometimes were urged by professional men, who felt their character at stake by the course they had advised in the prosecution of those measures. Still, however, it could not be denied, that there were some instances in which members, either by the influence of personal interest, or by other causes, had suffered themselves to be warped from the straight line of their duty. This undoubtedly was an evil, and an evil for which it was necessary that some remedy should be provided. A private bill, it should be recollected, called for the suspension of some general law in a case alleged and presumed to be

for the public good; and it therefore required the particular attention of the House, in order that no measure should obtain its sanction which was not clearly proved to be for the public advantage. The measures which he should propose were—[Here the hon. member went over the leading points of the resolutions with which he intended to conclude.] He then went on to observe, that, after the experience of the last two sessions, it could not be denied that some measure of the kind now proposed was absolutely necessary. He was aware that two other modes of remedy were preferred by some hon. members. One was, to refer each private bill to a select committee; and the other, to allow each case of abuse to be brought forward for a particular remedy. He did not think that either of those modes would correct the evil complained of. With respect to select committees on which it would be obligatory on the members chosen to serve, he thought it would be impossible to secure the attendance of a sufficient number of members, particularly where many members might be required. Some would be prevented by their professional pursuits, others by their official duties, and many by their age; but on the whole, so many causes would daily operate against attendance, that it would be almost impossible to make that mode of deciding of private bills effective. With respect to the other plan, of leaving each case of individual abuse to its particular remedy by the House, he thought it would be inefficient, as this plan had hitherto been followed, and yet, in the last two years, they had found the number of complaints daily increase. Should the course which he pointed out be adopted, no complaint of injustice could be without its remedy, for the party making it would have the power of appeal, and the case would be decided by the select committee, who would be acting in the nature of a jury, and in their decision the utmost impartiality must be expected. According to the present mode of making out the lists of persons to serve on private committees, there were two kinds of lists. Some consisted of fifty or sixty members, while others contained as many as two hundred. What was the cause of the discrepancy he could not state, but it was one which required amendment. He had known instances where a majority of the members in a committee on a private bill had a direct pecuniary interest in its success. What chance could there be that the parties coming before such a committee would be satisfied with their decision? To avoid any inconvenience from such a cause, his resolution would propose that one hundred and twenty members should be chosen on a committee; of these sixty should be chosen from the county and its vicinity immediately connected with the object of the bill, and sixty more from distant parts of the kingdom. This would secure an impartial committee. He would now propose the following resolutions:

"1. That the present distribution of Counties in the several Lists, for the purpose of forming Committees on Petitions for Private Bills, and on Private Bills prepared under the direction of the Speaker some years ago, has, from the great inequality of the numbers of members contained in such lists respectively, and from other causes, been found not to answer the object for which it was framed.

"2. That, with a view more nearly to equalize members, and to correct too strong a prevalence of local interests on committees on petitions for private bills, it is expedient that a new distribution of counties should be made, containing in each list, as nearly as may be, one hundred and twenty members; one half only, or thereabouts, to be taken from the county immediately connected with the objeet of the bill, and the adjoining counties; and the other half from other more distact counties of Great Britain and Ireland; and that the members serving for such counties, and the places within such counties, should constitute the committee on each bill.

"3. That Mr. Speaker be requested to direct a new distribution of counties to be prepared in such manner as shall be approved of by him, conformably to the principle of the foregoing resolution.

"4. That every committee on a private bill be required to report to the House the bill referred to it, with the evidence and minutes of the proceedings.

"5. That a committee be appointed, to be called 'The Committee of Appeals upon Private Bills,' which committee shall consist of all the knights of the shire, all the members for cities, and such other members as may be named therein; so that the whole number appointed to serve upon such committee shall amount to two hundred at least.

"6, That where any party interested in

a private bill, who shall have appeared in support of his petition, by himself, his counsel, or agent, in the committee upon such bill, or where the promoters of a private bill shall be dissatisfied with any vote of the committee upon such bill, and shall petition the House, setting forth the particular vote or votes objected to, and praying that they may be heard, by themselves, their counsel, or agent, against such vote or votes, the House shall, if they so think fit, refer such petition, together with the report of the committee upon the bill, and the minutes and evidence taken before such committees, to a select committee of seven members of the House, to be chosen by ballot from the committee of appeals upon private bills, which select committee shall hear the arguments of the parties complaining of, and also of the parties supporting, such vote or votes, and shall report their opinion thereon to the House.

"7. That whenever a petition shall be referred to such select committee, complaining of any vote of a committee upon a private bill, the House shall fix a day whereon to ballot for a select committee, to which such petition shall be referred, upon which day, at a quarter past four o'clock, or as near thereto as the question which may be then before the House will permit, the Speaker shall order the doors of the House to be locked, and the names of the members composing the committee of appeals upon private bills being written upon separate pieces of paper, and put into the glass, the clerk shall draw therefrom the names, until seven members of such committee who shall be then present, and who shall not have voted in the committee upon the private bill to which the petition refers, or shall not be excused by the House, shall have answered to their names; which seven members shall be the select committee to whom such petition shall be referred, and such select committee shall meet for business the following day at 11 o'clock, and continue to sit, *de die in diem*, until they shall have reported upon the same; and that only one counsel or agent shall be heard in support of the petition of any one party.

"8. That no member of such select committee shall absent himself therefrom during its sitting, without the permission of the House.

"9. That the party or parties complaining shall, previously to the balloting for such select committee, deposit with the clerk of the fees, the sum of 500*l*., for the payment of such costs as may be awarded against him, her, or them."

Mr. *Yates Peel* rose to second the resolutions, and observed, that great thanks were due to the hon. gentleman who had introduced them. If any member who was not in the last parliament had any scruple in voting for them, he could assure him that any change in the mode of constituting committees on private bills must be a change for the better. It might be said, that it would be improper to prevent members from coming in to vote in a private committee in which they had not heard the previous proceedings, seeing that they were allowed to do so in the House on important questions. He did not mean to justify one course by citing the other, but there was this difference between the two cases. In the committee they voted on evidence; while, in the House, they voted on argument. He could easily conceive that a man might not like to sit out a long argument, or what was worse, a long speech without any argument at all; but he could not conceive the propriety of a member coming in and voting on the conclusiveness or inconclusiveness of evidence which he had not heard. Recollecting what had taken place in former committees, he was convinced that the course now pointed out would be a great saving of time and expense to parties connected with private bills, and he hoped the House would consent to it as an experiment. If it succeeded, the resolutions could be made part of the standing orders. If it failed, they would not be in a worse situation than they were at present.

Colonel *Davies* admitted that great inconvenience arose from the former course with respect to private bills, but the one now proposed would, he thought, be much worse, and therefore he would give it all the opposition in his power. First, with respect to the hundred and twenty members to be on a committee, he thought it would be extremely difficult to obtain that number, unless they resorted to the former objectionable course of having members named on different committees sitting at the same time. Last session, there were thirty committees on private bills sitting at the same time. How could such a number be provided for in the mode proposed? The hon. mover seemed to think that it would be extremely difficult to get a select committee on each

private bill. Now, to him it appeared that the difficulty would not be insuperable. They had frequently a great many election committees, and they found little difficulty in securing the attendance of members. But, according to the hon. member's resolutions, a person dissatisfied with the decision of a private committee might appeal, and the House had no discretion but to send it to a select committee, so that they were to have a select committee after all. It was propossd, that to prevent vexatious appeals, the person appealing should, in the first instance, deposit 500*l.* to secure costs, should the committee decide the appeal to be vexatious. This he thought was a course which the House had no right to adopt. It was, in effect, taxing the appellants to that extent; and if, as had been contended on a former evening, the House had no power to compel a petitioner to enter into recognizances, how could they compel him to deposit money? While he admitted that nothing called more loudly for remedy than the present course, with respect to private bill committees, he could not support the one now proposed, as he thought it would be worse than the disease.

Mr. *Maberly* admitted that some remedy was necessary, but could not concur in that now proposed. He thought it would be absurd to prevent members from doing that in a committee; namely, voting on subjects which they had not heard discussed, which was ever permitted to them in the House.

Lord *Althorp* observed, that, it was agreed on all hands that the present system required amendment, and the question was what course ought they to adopt. It was said, that the better way to proceed would be by a select committee on each private bill. That, he admitted, would be an improvement on the present mode, but he thought it would be extremely difficult to procure as many select committees as the number of private bills would require. It was said that they had no difficulty in procuring election committees. That might be the fact; but those committees were not often required. If their appointment was to run through a whole parliament as frequently as committees on private bills, it would, he thought, be a matter of some difficulty to procure the attendance of members. As to the nomination of sixty members from the counties adjoining that with which the object of the bill was connected, he thought that, with the addition of sixty from distant parts of the country, an ample security was given for an impartial decision, and that from such decision they would have very few appeals. Some of his hon. friends had objected to the resolution which required a deposit of 500*l.* from the appellant, but he conceived there would be no difficulty in getting such deposit from any party who thought he had a good ground of appeal, and the same reason which would induce him to make the deposit would make him assent to its application to pay the costs, should the committee so decide. Taking all the resolutions together, he did not mean to say that they established a perfect system, but he would vote for their being tried, satisfied that they would be found a great improvement.

Mr. Alderman *Waithman* said, that as it was admitted that the present system of private committees was extremely defective, he thought the hon. member who had endeavoured to introduce some amendment was entitled to thanks, and he, for one, thanked him, though at the same time he did not think the remedy pointed out was such as the case required. Indeed, he did not see how the House, without passing a censure on itself, could sanction resolutions founded on alleged corruption in committees of its own members. He knew that in speaking of any thing which passed in the present parliament, he must be particularly guarded. He should be careful, therefore, of what he said of the living, but a much greater latitude was allowed him with respect to the dead. And, speaking of the late parliament, he would complain, and that loudly, of the conduct of some members of it, for their very unjust and partial conduct in a committee on a private bill. A petition had been presented from the corporation of London against the Equitable Loan bill, and it was referred to the committee on that bill; and though the preamble of that bill asserted that it would be a public benefit, and though the petitioners offered to prove that it would be greatly injurious to the trade of London, and had prayed to be heard by themselves or their agents, the committee at first decided that they ought not to be heard; and on the singular ground, that the petitioners had no interest in opposing the bill. How different was such conduct from that pursued

by the parliament of 1721, which had received the petition of the corporation of London, and allowed them to be heard by themselves or counsel, at the bar of the House against a bill of an objectionable character, as tending to injure the trade of the city! How different was the conduct of that parliament, which, on discovering the improper conduct of some of their own body, as connected with public companies, had, notwithstanding the solemn protestations of innocence of those members, and their loud calls for inquiry, expelled them from the House! The hon. member then proceeded to comment on the conduct of the committee in the last parliament, on the Equitable Loan bill, in having at first refused to hear him, on the part of the corporation, against the bill. After having decided that the corporation should not be heard, except on one point, they afterwards heard counsel and evidence in support of the bill. Then, one of their members stated, that as they had heard evidence on one side, they would consent to hear him, but it would be only as a matter of grace and favour. He got until the next day to decide what course he should take; but the next day he came down and protested against that being conceded to him only by way of grace and favour, to which he had an undoubted right. After this, he and those who attended with him were ordered to withdraw, and some discussion took place in the committee. So confounded was he by the order to withdraw, and the objections that were taken to this mode of proceeding, that when he was again admitted to the committee, after an absence of half an hour, and was told that he was allowed to proceed as matter, not of right, but of grace and favour, he protested loudly against the injustice of the decision adopted by the committee, and determined not to open his case in an imperfect and mutilated state. He either had a right to be heard, or he had not: if he had a right, he was determined to use it uncontrolled; and if he had not a right, he was determined not to act upon powers which he did not possess. He, therefore, thought it expedient, considering the circumstances in which he was placed, to withdraw; not, however, without protesting against the injustice of the measure which had compelled him to come to such a resolution. Now, he would ask the House, what opinion they would form of the committee to which he was alluding, supposing it possible that the members of it were directors of the company against which he had been petitioning—that they held shares in it—that they sold them publicly and openly—and that they adopted all the artifices which were used to give to shares an exorbitant value in the market? The case which he was putting was not one of supposition, but of fact. Let the House but go into the committee which he had proposed, and he would pledge his life, his character, his reputation, and every thing that he held dear, that he would prove beyond all contradiction that it was so. The worthy alderman was proceeding to discuss the conduct of the committee on the Equitable-Loan-bill towards other petitioners, when he was called to order. He spoke under correction of the Speaker, and if he was out of order, he regretted it deeply; for the subject on which he was addressing the House was of great importance to the public. But he contended that he was not out of order. A proposition was made to remedy certain proceedings, which he had not called by the title of disgraceful, though some other members had applied the term to them. He was only telling the House what the conduct of one committee had been, and in so doing, he had given a striking instance of the injustice with which such committees too often acted. Surely, it was not a deviation from order to enter into a full description of an abuse, at a time when they were seeking to find a remedy for it! With regard to the remedy proposed, he did not consider it adequate to the object in view; and he therefore trusted that the hon. mover would endeavour to devise something more effective. He considered that the exacting of 500*l.* as a deposit from petitioners, previous to the balloting for the committee of appeal, was a harsh and unnecessary provision. For instance, in the Equitable-Loan Company, which was put forth as a matter of charity, and as a check against the pawnbrokers, but which, in point of fact, was a measure of greater hypocrisy than any which had ever been previously brought forward—the petitioners against it might have spent 5,000*l.* in prosecuting their first petition, and yet, after all the injustice they had suffered, must have found security for 500*l.* more, before they could have applied for redress to a committee of appeal, which, in all probability, would act, to a certain degree,

under the influence of the former committee. He likewise contended, that the House ought to take care that its committees acted as much like juries as possible, and exhorted it to devise some measure which would prevent the repetition of such injustice in future.

Mr. Secretary *Peel* said, that, though he was by no means so satisfied as the hon. gentleman opposite seemed to be, of the gross misconduct of the committees on private bills, still it was his intention to vote in favour of the resolutions of his hon. friend, as a precautionary experiment, for the present session, against any misconduct that might by possibility arise. He did not believe the committees on private bills to be that mass of corruption which some members asserted them to be. There might have been some cases, in which members who had not been present at the evidence, had entered the committee-room, and overwhelmed the voices of those who had been present; but he had not heard of any instance of gross injustice in their disposal of private property. The worthy alderman had said, that as the last parliament was dead he had a right to abuse it; but, though that parliament was dead, the members who composed it were living, and he, as one of them, must beg leave to vindicate its conduct. What the present parliament might turn out, he could not tell; but with the benefit of the worthy alderman's bright example, he had no doubt but that it would be much better than that of which he had spoken with so much reprobation. Though he he could not agree in every point with the proposed resolutions, he must repeat that he was not unwilling to adopt them as a precautionary experiment for the present session. His reason for so doing was not founded so much on the misconduct of the committees on private bills, as upon the standing orders themselves. He disapproved of the method of referring private bills to the consideration of a committee formed of the members of that county to which the bill applied, and the adjoining counties, because the number of persons on such a committee varied very greatly. In the case of the county of Derby, the number of members for that and the adjoining counties, to whom private bills might be referred, was 80. In the county of Warwick the number was 87; in that of Leicester 69; and in that of Staffordshire 66; and he believed that a case had occurred in which the proposition for a canal bill was referred to a committee, of which every member was either a director, or a person largely concerned in the canal. In the county of Devon the number was 168; in Wiltshire 194; and in Hampshire 234. So that the number of persons composing the committee on a private bill relating to Hampshire, was four times as great as that on a private bill relating to Staffordshire. That statement formed a sufficient reason for adopting some arrangement better than the present, and would justify them in adopting the three first resolutions. He conceived that there would be great difficulty in obtaining select committees, if they were to be chosen like election committees. In the first session of a new parliament, supposing there were ten election committees, and twenty or thirty private bills, it would be impossible for the House to act. It was therefore better to adopt the remedy proposed by his hon. friend, which gave to any petitioner who conceived himself injured the liberty to appeal to another committee. He likewise thought it right that of the hundred and twenty members placed in each list, sixty should be connected by locality with the county which the bill affected, and that the other sixty should be persons who were not under the influence of local bias. He conceived that the most effectual remedy to the abuses incident to committees on private bills, would be by letting the light of day in upon them; and that the appointment of a committee of appeal would in itself be a tacit correction of the evil complained of. He could not see how the long story which the worthy alderman had told them respecting the Equitable-Loan-bill Committee bore upon the present question; for he was quite certain, that if the facts which the worthy alderman had mentioned were correct, and had been stated to the House, he would have obtained an appeal against that committee. The worthy alderman had also objected to the deposit of the 500*l.* as a hardship; but he was strongly inclined to think, that if the worthy alderman had felt one half the indignation against the members of the committee which he had that night expressed, he would have gladly laid down the sum for the petitioners whom he had taken under his protection.

Mr. *W. Smith* said, that though he had

several objections to the proposed resolutions, he would support them until some better proposition was submitted in their stead.

Mr. *G. Bankes* suggested the propriety of giving a power to wave that part of the resolutions which rendered it necessary to deposit 500*l.* before any appeal could be made from one committee to another. Unless such a power were vested somewhere, some parties must be seriously injured by the resolution.

Mr. *Wynn* said, there was no analogy between election committees and committees on private bills; for the questions submitted to the first were mixed questions of law and fact, while those submitted to the latter were questions of policy and expediency. He did not believe that any such extent of evil as was now pretended had arisen from the misconduct of private committees; and he was of opinion, that they were oftener prejudiced against advantageous bills than biassed in favour of improper bills by unworthy motives. It had been suggested, that the nomination of the committees by ballot would often exclude from them useful local knowledge. He was himself of that opinion, and would have great difficulty in believing that fifteen gentlemen of Hampshire could legislate easily on the local interests of Northumberland. He conceived that great advantage would arise from acceding to the resolutions. At present it was prudent to bring them in experimentally. If, upon trial, they should be found beneficial, they might be made standing orders of the House. The injury done by committees on private bills was not, in his opinion, great, but the scandal of them was extreme; for supposing the committees to come to a right decision, still, if it were seen that numbers, who had not previously attended, flocked in to give their vote, it never could give satisfaction to the parties defeated by it, and thus became detrimental to the dignity and character of the House.

The first eight resolutions were then agreed to. On the ninth being put,

Mr. *G. Lamb* said, he much doubted the propriety of this resolution, and hoped the hon. gentleman would postpone it until it could be more maturely considered. He understood on a former evening, that one of the great objections urged against the resolutions of his noble friend (lord Althorp) relative to bribery at elections, rested upon the ground, that security was demanded before the parties complaining should be allowed to prove their case. The same objection, he conceived, applied to the resolution now before them. He knew not that the House had the power of enforcing any such resolution. If a litigious person were, after an award had been made, to bring an action against the clerk of the Fees, then the validity of this resolution would be subject to the decision of a court of law; a state of things which certainly ought to be avoided. For his own part, he could not conceive what right one branch of the legislature had to levy money in this manner; and therefore, he thought the hon. gentleman would do well to postpone the resolution.

Mr. *Wynn* looked upon the proposition embraced by the resolution, as similar to a case of arbitration, where the parties contending agreed to abide by any order or award which might be decided on by those to whom the matter in dispute was referred.

The resolution was withdrawn.

HOUSE OF LORDS.

Wednesday, Nov. 29.

Corn Laws.] Lord *King* said, he had some more petitions to present on a subject on which some persons thought that the less was said the better, but on which, in his opinion, the more was said the better. They were given to understand that no alteration was to take place in the Corn-laws till after the holidays, but they were told, at the same time, that some alteration was decided upon, though God only knew what it was to be. It appeared that his majesty's ministers had a good deal of difficulty in settling with their friends on the subject, and no small share in settling with their colleagues. One fact seemed certain; namely, that in whatever should be done, nothing but the minimum of improvement was likely to be adopted. Various reports were in circulation, some of which had reached his ears. One report was, that when the price of corn was at 55*s.* a duty of 17*s.* was to be imposed. For his own part, he would much rather it be left at the mercy of ministers, acting on their own responsibility, than at the mercy of so merciless a law as that. He believed there was a malignant party in the cabinet, who were hostile to all improvement, and at variance with their own col-

leagues, whose schemes of political economy they hoped would not take effect. It was influenced by a good and an evil principle; but he feared that the evil principle would predominate. The petition which he should now present had been agreed to at a public meeting of the working classes, at Manchester. It stated, that in the twelfth year of peace the greatest misery and distress prevailed, and that the cruel prohibition against the importation of foreign corn deprived the manufacturing classes of a market for the produce of their industry, while it increased the price of bread, only to keep up a standing army, and enable persons to escape from burthens, in order that they might be imposed on others. In conclusion, the petition prayed for the total abolition of the Corn-laws.

The Earl of *Liverpool* said, that before he adverted to what had fallen from the noble lord, he wished to offer a few words respecting what had passed in the House yesterday. He had come down to the House on several occasions since the commencement of the session, but found that their lordships had adjourned before five o'clock. Now he did not object to this, for he thought that public business ought to commence at four instead of five o'clock. With respect to the subject matter of the petition, he did not mean to be, on the present occasion, drawn into a discussion relative to the Corn-laws, by any thing that had been said by the noble lord. He could assure the noble lord, however, that he was greatly mistaken in supposing that his majesty's government had not come to a decision on this subject. In that respect there was nothing whatever to prevent him from bringing forward the question at present, but he felt that he should not be dealing fairly with its merits, or with the feeling of the country in doing so, when a full attendance was not to be expected. The object for which parliament had assembled at so early a period, was only to confirm those measures which his majesty's ministers had adopted in September, on their own responsibility, and to grant them the necessary indemnity. He would not be led into any explanation of the measure which it was intended, in due time, to submit to their lordships' feeling, as he did, that any premature statement might cause a great deal of mischief, by giving rise to much misapprehension. He pledged himself, however, to call their lordships' attention to the subject at the earliest possible period after the recess; and, though the measure would naturally originate elsewhere, yet he would not wait for that event to put their lordships in possession of the sentiments of his majesty's government upon a question so very important to the interests of the country.

The Earl of *Lauderdale* said, he did not at all object to the line which the noble earl had prescribed to himself, nor did he mean to urge any proposition against it, though he wished that the noble earl had found it convenient to state the nature of the measure. He trusted, however, that when it was brought forward, sufficient time would be allowed the country to consider its merits. The agriculturists, in their numerous petitions, expressed their sentiments on what they thought fitting for themselves, and in consonance with the interests of the community at large. In petitions respecting the Corn-laws, they did not wish to see the topics of parliamentary reform, or of church property introduced.

The Earl of *Liverpool* said, he was so anxious that a speedy decision should be come to on this question, that he would not, as he had already stated, wait till a measure should be brought forward elsewhere. He was most desirous to take the first convenient opportunity of stating to their lordships the views which his majesty's ministers entertained with regard to it. One general feeling pervaded this country on the subject, and when the question was once mooted, it was of the utmost importance that the decision should not be long delayed. It was very natural that the decision, if kept in suspense, must greatly operate on individual interests. There was nothing which he more desired, than that when the question should be brought forward, a due regard should be had to all the great interests of the country.

The Marquis of *Salisbury* said, it had been assumed that an alteration in the Corn-laws was necessary, but, in his opinion, no case was made out to establish the necessity.

Lord *Clifden* wished that the corn question could have now been gone into. The noble earl had stated many reasons for not bringing the subject forward immediately; but delay was a great evil, for until this question should be settled, no man in the country could tell what his situation was. At the same time, he admitted the

question to be one of great difficulty, and one which required the fullest considera-tion. He was ready to confess that the present was not a very convenient time for the discussion; but if it had been practicable, the subject ought to have been gone into now. When, however, it should be brought forward, he trusted that the averages would be got rid of, for they were considered a source of great fraud, and that they were such, he sincerely believed. He would, therefore, be glad to hear that the noble earl was fully prepared to put an end to them, whatever might, in other respects, be the nature of the measure brought forward.

Lord *Carbery* approved of the arrangement proposed by the noble earl at the head of the Treasury. He was confident that when the subject came to be discussed, the agricultural interest would be found to wish well to every other interest in the country. The manufacturers believed that their present distress was owing to the high price of corn, but in that he was convinced they were mistaken. The present price of bread was not much beyond what it ought to be.

The Earl of *Liverpool* wished to make a single observation in reply to what had fallen from the noble lord who spoke last but one. He was convinced that a little reflection would satisfy the noble lord, that there would be much difficulty and inconvenience in bringing forward a measure of this kind at the present moment. The noble lord must be aware of the time it would take to carry such a measure through both houses of parliament, and how impracticable it would be to accomplish that object before the recess. But there was another consideration: nothing was or could be so inconvenient as bringing the measure forward at this season of the year, or at any time, unless their lordships were sure that they could go quite through with it. Considering the magnitude of the question, their lordships must be convinced that it would be impossible to come to a decision before the recess. At the same time, he assured their lordships that no person was more deeply impressed than he was with the necessity of bringing the question forward at the earliest possible period.

The Marquis of *Lansdown* said, he had been intrusted with some petitions which he would have that night brought down with him, had he been aware that any discussion was to arise on the Corn-laws. He entirely concurred in the course which his majesty's government intended to pursue with regard to the bringing forward this question; and he hoped the noble earl would not fail to bring the subject under the consideration of the House at the earliest period possible. A speedy decision was of great importance, because the uncertainty which existed respecting this question was very injurious to the general interests, by greatly affecting the markets. At the same time, he did not conceive that it was practicable, at this period of the session, to carry the measure through both Houses. He hoped, however, that the delay would be attended with this good effect—that the time afforded for consideration would enable parliament to adopt a fixed and permanent regulation. For, until not only that House, but the public at large, were satisfied that any arrangement come to was permanent, the mischief which would flow from the discussion of the subject would be interminable. With regard to price, it was not so much lowness of price that was injurious to agriculturists, as the circumstance of their having been led by parliament to expect high prices. They had made all their arrangements with a view to such prices. In consequence of this state of things, any great alteration in the present system of the Corn-laws must necessarily be attended with a corresponding loss to them. But, nevertheless, that a very considerable change must take place, was an opinion which he had long entertained and frequently expressed. At the same time, from the situation in which the country was placed, and the commercial regulations which had been adopted, it would be impossible to regard the intended measure as a simple question affecting the agricultural interest only. It was a mistaken view of the subject to suppose that different parts of the community had distinct interests on this occasion. If the manufacturers were to obtain corn at so cheap a rate as to throw the poorer lands which now produced it entirely out of cultivation, the injurious effects would fall at last upon themselves. On the other hand, if the agricultural interest obtained too high a price for their corn, that would ultimately have the effect in another way which they so much dreaded, of driving the manufacturer out of the country. In fact, if a disposition

should be shown by one part of the public to throw the burthen off themselves on to another, such an attempt would be impossible, for the burthen, such as it was, must be borne by all. What was necessary to be done was, to discover how an adjustment could best be made by which food could be obtained sufficiently cheap for the manufacturer, and at the same time at such a price as would afford due encouragement to the agriculturist—not, however, such a price as would cause the country to be entirely supplied with home-raised corn, for such a state of things would be one of the greatest misfortunes that could befal the agriculturists. The great object which ought to be kept in view was, to form an equitable adjustment; and, if parliament devoted due consideration to the subject, he was sanguine enough to hope that this object might be accomplished, and a permanent arrangement adopted which would set the question at rest. With respect to what his noble friend had said upon the subject of averages, he was inclined to concur. The system of averages was bad, and it would be well if they could be dispensed with; but if they could not be got rid of altogether, some mode might be fallen upon to regulate them, and place them on a better scale. Having said thus much, he must conclude by again stating, that he concurred in the course proposed to be taken by his majesty's ministers.

The Earl of *Lauderdale* agreed with his noble friend, in opinion, as to the advantage of a permanent arrangement; but he confessed that his hopes of accomplishing that object were not very sanguine. The present system, when first adopted, was intended to be a permanent one. He had joined his efforts with the noble earl opposite in 1815, in preparing those regulations which were to form a permanent system for a time of peace; and the noble earl then stated, that the system was to be such. He did not concur in those regulations with the view of obtaining high prices. On the contrary, he believed, in his conscience, that if the regulations had been acted on, they would have caused low prices, and, he was still of opinion, that the system was calculated to have that effect. His noble friend, in the observations he had just made, had taken into consideration the interests of the manufacturer on the one hand, and of the land-owner on the other; thus setting the two interests in array, the one against the other, and making it the business of parliament to arbitrate between them. When, however, the question came to be discussed, he should show that there was but one common interest involved in this question, which did not consist in creating high prices, but in encouraging the agriculture of the country. Their lordships must not take a narrow view of the question, but decide upon broad and statesman-like principles. He had said thus much to guard himself against being supposed to concur in measures which might be proposed for altering the present system.

The Marquis of *Lansdown* was sure his noble friend had misunderstood him, when he supposed that he had spoken of any difference or collision of interests between the commercial and agricultural classes. He certainly had alluded to the existence of a hostile feeling which prevailed; but the whole tenor of what he had said went to show that no such feeling ought to exist, and that if such a feeling were acted upon, it would be ruinous to both. In this question, there was, in fact, only one interest to be considered, namely, that of the country at large. In that interest, the manufacturer and the agriculturist were united; the landed interest giving activity to commerce by consuming manufactures, and the manufacturer in return consuming the produce of the agriculturist. In expressing this opinion, he was sure their lordships would not understand him to be representing those interests in a state of hostility. The more the question was investigated, the more it would appear that, strictly speaking, there was but one interest to be consulted.

Lord *King* fully agreed in opinion with the noble marquis, that there was but one interest on this question, but that different views were taken of that interest. One party took a large view; another a narrow and confined one. Some wished for high prices immediately, others wished for those prices which would be best upon the long run. Now, he was one of those who thought that the best prices on the long run were low prices—very near those of the continent of Europe. If prices here were much above those of the continent, nothing could prevent manufacturers from emigrating. If, as the noble earl near him had said, it was the object of

the agriculturists, by the regulations of the present system, to give the country low prices, their mode of doing it was surely very extraordinary. In order to make low prices, they say, let us have a monopoly; but I should rather say, let us have competition. On the contrary, if I wanted high prices, I should like their call for monopoly.

Ordered to lie on the table.

HOUSE OF COMMONS,

Wednesday, November 29.

DEISM—OATHS IN COURTS OF JUSTICE—PETITION OF ROBERT TAYLOR.] Mr. *Hume* said, he had an important petition to present, in which the rights of a British subject, and the cause of civil and religious liberty, were deeply concerned. The right of which the petitioner complained he was deprived, was that enjoyment of religious freedom which it was consistent with the spirit and practice of the British constitution that every British subject should possess. The petitioner was Mr. Robert Taylor, who had been canonically ordained a clergyman of the established church. He was also a Bachelor of Arts of St. John's College, Cambridge. He stated in his petition, that after the most mature consideration, he could not give a conscientious credence to the doctrines of Christianity. That this was the result of a conscientious conviction on the part of the petitioner, was shewn by his having resigned a cure, which he held in a parish in Suffolk, in consequence of his sincere disbelief in the tenets of the established church. The petitioner further stated, that he arrived at that state of mind that he could conscientiously declare himself a Deist. He declared, that in various instances those who were of the same faith with him had experienced hardship and injury from being deprived of protection in courts of law, on account of the profession of Deism. This was the more a subject of just complaint, as under the act of Toleration they were entitled to protection, unless their mode of faith was opposed to morality, or was inimical to the interests of the state. The petitioner set forth an example of the hardship experienced by persons professing Deism, in the instance of a shopman of Mr. Carlile, who was prevented from prosecuting in a court of justice, in consequence of his adherence to the tenets of Deism—and because he would not take an oath according to the forms of law. The hon. member proceeded to argue, that by a resolution of that House, unanimously passed in 1680, the acts of Elizabeth and of James did not extend to Protestant Dissenters, and that the enactments of the Penal laws were not to be put in force against them. Under these resolutions, in his opinion, the petitioner was entitled to protection, and to a freedom from the oppression of which he so justly complained. It was inconsistent to refuse the oath of a person who disbelieved in Christianity, and at the same time to receive, as appeared from proceedings in the court of Chancery, and from proceedings before the lord mayor, those of Hindoos, who were infidels, and who were sworn after the form of their faith, and after the manner of their country. The profession of a belief in God was surely sufficient for the purpose of taking an oath in a court of justice. He had himself seen the natives of India sworn on the head of a child, by the water of the Ganges, and on a variety of other forms, which were found to answer all the purposes of justice before British tribunals in India. Surely, if the evidence of a Pagan would be received in a court of law, while this gentleman's would be rejected, he had a right to say, that toleration in its full sense did not exist. The petition was respectfully worded. The petitioner fairly stated his grievance, and called upon the House to take his case into consideration, and cause that right to be extended to him to which he was entitled. Every man should be allowed to enjoy liberty of conscience uncontrolled by civil disability. It would be recollected what a struggle was made, at no very distant period, against the power of the Catholic church. History did not exhibit greater exertions made by any people, than were then made by the people of this country, to free themselves from the shackles of intolerance; and yet we now refused to extend toleration to others. He believed England was the only country in the world that placed a large portion of its population under restriction on account of their religious tenets; but he hoped the time would soon come when liberty of conscience, without civil disability, would be extended to all, whatever creed they might profess.

Mr. Serjeant *Onslow* said, he felt con-

siderable surprise, after what had fallen from the hon. gentleman last session, to find him presenting a petition like the present, and introducing it with a speech such as should never have been addressed to a British House of Commons. What could the hon. gentleman mean by comparing this petitioner and his sect to Protestant Dissenters? Had the hon. member ever read the Toleration act? The hon. member, however, had himself given an answer to that question, when he said that the shopman of Mr. Carlile would not allow himself to be sworn according to the established usage of the country. He contended, that infidels could not give evidence in courts of justice, and yet the hon. member himself furnished instances to the contrary when he said that a Jew or a Mahommedan might be sworn according to their respective creeds. The law of England sufficiently provided for the grievance of which the hon. member complained; for a man who conformed to the religious forms of any sect, however wild or preposterous, found protection in the law of the land, and his evidence was admitted. Many members of the House, who were also members of the legal profession, knew, from experience in courts of justice, that the oaths of such individuals were admitted. The oath was administered according to the particular creed of the individual who made it; but what form of oath could bind the man who openly professed no creed at all? Would not the natural question be, do you believe in a future state, and in rewards and punishments hereafter?

Mr. *Hume* here intimated, that the petitioner did believe in a future state.

Mr. Serjeant *Onslow* continued. If the petitioner did not believe in a future state, what assurance had the country, that any form of oath would be binding upon him? If such a person presented himself to seek redress before a magistrate, and refused to comply with the form prescribed by the law of England, the magistrate must tell him, "then, Sir, I have no power to administer any other form of oath than that which the law points out." Such must be the reply in all similar cases. No magistrate could, and he hoped that no magistrate ever would, deviate from a rule that was founded in sound and constitutional principles.

Mr. *Batley* said, that as a member of that House, although a very young one, he could not but rise up to oppose both the petition and the principles laid down by the hon. gentleman. The hon. gentleman said, that this petition was most respectfully worded; but he begged leave to contradict that assertion, and say, that it was most disrespectfully worded, from the allusions which it made; and he conceived, that a person who did not believe in our Saviour ought not to be tolerated in a British House of Commons. It was really astonishing that the hon. member was not interrupted in his speech, and an objection *in limine* taken to his arguments before they were suffered to proceed. The petitioner professed a disbelief in Christianity; in the being of our Saviour; and in those doctrines and tenets on which the best and highest hopes of the community rested. Jews and Mahometans were admitted to be sworn in courts of justice, and they were sworn according to the form of their respective faiths; but the Deist could give no such sanction to his oath, for he professed no settled form of worship.

Sir *E. Carrington* expressed his horror that any gentleman, educated in a Christian country, could be found to entertain the doctrine stated in the petition, and to claim a right to be sworn in courts of justice upon the Works of Nature. The fact was, that the case of the petitioner was not the case of Deism. He was sorry to say, it was nothing short of Atheism; for it attempted to set up the works of nature, in contradistinction to the works of the Deity. He had often, in the course of his life, administered oaths to the Persian worshippers of fire, and to other idolaters in the East, who did not believe in Christianity, and he had done it by that form which they held binding; but certainly, nothing should induce him to administer an oath to a Deist, on what the petitioner was pleased to call the "works of nature."

Mr. Secretary *Peel* said, he rose for the purpose of bringing back the attention of the House to the real question before them; from which it appeared to him that they were in some degree departing. There were two questions arising out of this petition. The first was, whether it was proper to accede to the prayer of the petition; the second, whether it was proper to receive the petition. With respect to the first question, he certainly

had a strong opinion. He would not then state it; but, if ever the hon. gentleman should bring in a bill for the purpose of relieving any man in the situation of the petitioner from the obligation of an oath, he, for one, should be prepared to meet that hon. gentleman, and those hon. gentlemen by whom he might be supported, and to contend, that, for the preservation of the best rights, and the protection of the best interests of the community, such a bill ought to be decidedly rejected. But that was not the question now before the House; which was simply, whether or not the petition should be received. Now, he was not prepared to say that it would be wise to reject a petition because the House might not be disposed to accede to its prayer. Nor did he think it would be wise, on the present occasion, to attach so much importance to this petition, as its rejection might involve. Whatever might be the feelings which the House laudably entertained on this subject, he thought it would be prudent on their part to restrain themselves from expressing themselves at the present moment with reference to a question, which, although it had been mixed up with the other, was not actually before them.

Mr. *W. Smith* observed, that the remarks which had fallen from the right hon. Secretary afforded another proof of that prudence and moderation for which he had so much distinguished himself. He regretted that the right hon. gentleman had not, by speaking earlier in the discussion, set the example of those excellent qualities to the two honourable members who had spoken on his side. One of those hon. gentlemen was, as yet, but a very young member, and no doubt, when he had more experience in that House, he would learn to discuss subjects with a little more temper. With respect to the other hon. member, he thought, that if he had practised as a judge in this country, as long as he had done abroad, he would have made a distinction between receiving a petition and complying with its request. He was sorry to find hon. members confounding the opinions of an Atheist with those of a Deist. He knew not that an Atheist could give any sanction to an oath; but he believed that a Deist could, and he had no hesitation in asserting, that the interests of justice were much more likely to suffer from the oath of a man who swore on the gospels, which he did not believe, than from that of him who fairly stated that he denied the truth of the gospels, but, at the same time, firmly acknowledged the existence of a God.

Mr. *Hume* expressed a wish that the petition should be read, in order to set the learned serjeant right as to the petitioner's belief.

The Petition was then brought up and read, as follows:—

"To the Honourable the Commons of Great Britain and Ireland assembled, the Petition of Robert Taylor, of Carey-street, Lincoln's-Inn, Clerk,

"Humbly showeth,

"That your petitioner has been ordained a Clergyman of the Established Church, is a Bachelor of Arts of St. John's College, Cambridge, and is a Member of the College of Surgeons.

"That your petitioner is Chaplain of a society called "The Universal Benevolent Society," which is in the habit of meeting every Tuesday evening, for the purpose of investigating the evidences of the Christian religion.

"That your petitioner has determined, after a most laborious investigation and philosophical research, that he cannot give credence to the Christian faith, and has seceded from it solely from motives of honour, conscience, and conviction, and not from obstinacy, singularity, or prejudice.

"That your petitioner is in the habit of performing Divine Service before the said society, upon every Sunday, upon the principles of Deism.

"That your petitioner has ascertained that he cannot give evidence in any Court, touching any matter, suit, or cause, depending therein, in consequence of his not believing in revelation, although your petitioner has carefully investigated its evidences, but cannot believe in its truth.

"That your petitioner considers, under the Act of Toleration, he is entitled to profess what religion he pleases, and publicly to propagate it, unless such religion be opposed to public morality and the welfare of the State.

"That your petitioner believes in the existence of a future state, and instils such belief into the minds of his hearers. That a short time ago a shopman of Mr. Carlile's was robbed of his watch, but was unable to prosecute the offender, in consequence of his adherence to the tenets of Deism.

"That your petitioner considers the law, as it now stands, is injurious to the fair and equal administration of justice, and is at variance with the interests of the State, inasmuch as it allows persons guilty of atrocious crimes to escape with impunity, and deprives your petitioner and others of justice.

"That your petitioner will consider an oath sworn on the Works of Nature as binding on his conscience, as one sworn by the Christian on the New Testament, the Jew on the Bible, or the Mahomedan on the Alcoran.

"Your petitioner, therefore, humbly prays, that your Honourable House will be pleased to decree, that persons professing Deistical principles be sworn in courts of justice, as all persons professing Christianity, Judaism, and Mahomedanism; and that the degree of credit due to such shall, in all cases, be left to the consideration of the judge, jury, magistrate, or whatever tribunal by which such case shall be tried. And your petitioner, as in duty bound, shall ever pray."

Mr. *Hume* observed, that the petition itself was a complete answer to the learned serjeant. With respect to the argument of the hon. gentleman under the gallery, against allowing a Deist to take an oath, he would ask that hon. gentleman what was a Jew, but a Deist? According to the hon. gentleman's principle, a Jew ought not to be allowed to be sworn. The argument of the hon. gentleman, therefore, was directed against the existing statutes. As to the hon. baronet, it really appeared to be very strange, that a gentleman who had for such a length of time, in Ceylon, been administering oaths to men who did not believe in the Christian revelation, should now say, that he would not believe a Deist on his oath. With respect to the introduction of any future measure on this subject, he did not intend to bring in any, but he confessed it was his opinion that some such measure ought to be introduced. He desired to see religious scruples respected by the House, and the law of the land put on a liberal footing, in that respect. At one period England set an example of liberality to the world, and he hoped that the time was not far distant when she would again resume the lead, and not be as she was unhappily at present, rather following than guiding the spirit of the age.

The petition was ordered to lie on the table. Mr. Hume then moved, that the petition be printed, in order that gentlemen should be acquainted with its objects. Mr. Robinson opposed it; and on the cry of "No, no," becoming general, Mr. Hume withdrew the motion.

TREGONY BOROUGH ELECTION.] On the motion of Mr. Abercromby, the order of the day was read for resuming the adjourned debate, on the motion made on the 24th instant, "That the Indenture by which James Adam Gordon and James Mackillop, esquires, were returned to serve for the borough of Tregony be taken off the file."

Mr. *Stuart Wortley* said, that he held the present question to be of such serious consequence, that he could not allow it to pass without offering a few words to the consideration of the House. The present occasion brought to his memory the words of a once distinguished member of that House, Mr. Grenville, who had declared, that he looked upon every case of contested election, brought before the House of Commons, as a case of the utmost importance, in which the property and birth right of every subject of the realm were at stake, and in which it, therefore, behoved the House to act with the greatest caution. If he entertained this feeling upon all cases of election, he entertained it more strongly than ever in this particular instance, where the House was going to pass a judgment which would form a precedent in one of the most important parts of its jurisdiction. He was, therefore, much obliged to the hon. and learned gentleman who had brought the subject before the notice of the House, for the manner in which he had done so. At the time when the hon. and learned gentleman first brought it forward, he thought his argument particularly clear and convincing. In the interval which had elapsed between that time and the present, he had taken great pains to inform his mind upon the subject; and, though he still hoped that the House would assent to the proposition which the hon. and learned member had made to it, he did not think that there was so clear a case as to make it necessary to take proceedings against any other parties. The hon. gentleman then proceeded to review the points in which he considered the last return to be informal, and cited a great many cases on the subject, which

were so imperfectly heard in the gallery, that we cannot pretend to give a correct report of them.

Mr. Secretary *Peel* said, he could not offer his opinion upon this important subject without first expressing the great pleasure which he felt in finding that a subject so dry and tedious had attracted the attention of the hon. gentleman who had just sat down. The talent and industry, of which the hon. gentleman had just given the House so striking a specimen, would, he had no doubt, be productive of great advantage to their discussions whenever the hon. gentleman should apply himself to a subject which admitted at once of research and display. He did not regret the time which the House had taken to come to a decision on this question; because it was one of great importance, and therefore, required mature deliberation. When it was first presented to their notice, he thought that the latter return could not be considered a valid return; and the consideration which he had since given to it, had satisfied him of the correctness of that opinion, and of the propriety of ordering that the indenture containing it should be taken off the file. He contended, that to follow any other course would be to furnish a precedent fraught with danger. The House was aware that in all election returns, a great responsibility was imposed on the sheriffs of counties. They were required to use their best discretion; the House being ready to give them every indulgence in cases where they used it honestly but erroneously, and to punish them whenever they used it partially and improperly. Now, the sure way for a sheriff to escape from a responsibility to which he ought to be liable was, to send up, besides the regular return annexed to the writ, another paper, not annexed to it, received from some other person than the regular returning officer, and then to leave the House to decide which of the returns was the proper return. He maintained, that the sheriff was bound, in all cases, to make either a single return or a double return to the writ, and no other. He was not prepared to say whether the sheriff might not make two returns annexed to the writ. It was, fortunately unnecessary to decide that question in this particular case, as the sheriff had declined to do so: and such being the case, he thought that the House was bound to decide, that only one return had been made to the writ, and that the other indenture was invalid and of no effect. In the present case, the under-sheriff had not directed his writ to the mayor of Tregony. A doubt existed as to the validity of the claims of two different parties to that office. The under-sheriff selected one of them as returning officer: from that person he received the precept back again, with an indenture attached to it, and he returned that indenture, attached to the writ, to the Crown-office. The under-sheriff considered the return so made to be the proper return, and he (Mr. Peel) contended that the House ought to do the same. He attached no importance to the certificate which was received on a subsequent day. Indeed, he would not enter into that part of the question, but would treat the return as a single return, and would not examine whether the sheriff acted properly or not. If there was a dispute between two officers, as to which was the proper returning officer, it must be decided by the sheriff; and there might be cases in which it would be wiser for him to make a double than a single return. It was unnecessary to enter into an investigation of the precedents which had been quoted: for, in his opinion, none of them were at all applicable to the present case. The question was to be decided by common sense, and that due regard to the interests of justice which was felt by every man in that House. The safest plan upon which the House could act, was to admit no other return than a single return or a double return, and not to allow a sheriff to steer an intermediate course between the two. On that account, he for one should support the motion, which considered the second indenture as invalid, and should leave the parties mentioned in it to their remedy. He doubted whether the prudent course would not be to call in the Clerk of the Crown, to receive from him the originals, of which the entries in the books were copies, and to form their opinions upon inspection of the documents. If no objection should be made to this proposition, he would beg leave to substitute for the motion then before the House a motion to that effect; and then, if the entries appeared to be correct, as he had no doubt they would, he would move, that the return attached to the writ should be considered as a single return.

Mr. *Abercromby* said, that if he were permitted to make one or two observations at this stage of the debate, they would, in all probability, save the time of the House from being unnecessarily wasted. The right hon. Secretary had rested the case on its proper grounds. The sheriff had a right to receive, or to reject, both returns made to him; but then he must annex them both to the writ, and must not venture upon any middle course. He had no difficulty in agreeing to the proposition of the right hon. gentleman; but he must say this on his own behalf, that the peculiar advantage of the course which he had suggested was, that it did not strike at the Grenville act, but was content with the evidence upon the table, which was in its very nature conclusive. If it should be the pleasure of the House to call in the clerk of the Crown to produce the original returns, and if that measure, on their being found to agree with the entries in the book, should be followed up by another motion, acceding substantially to that which he had himself brought forward, he could have no objection to urge against such a mode of proceeding.

Mr. Secretary *Peel* said, that if the original documents and the entries agreed, he should certainly follow up his present motion by another for taking off the file the second indenture.

Mr. *Wynn* said, he was anxious to explain how far he went along with the hon. and learned gentleman, and how far he differed from him on this important question. He put out of the way all observations on the manner of executing the return—on its being executed by the deputy mayor, and on its being executed by a different person from that to whom the precept was directed, because, if there was any validity in those observations, they ought to be received in the shape of a petition. The hon. gentleman who had done himself so much credit that evening by the research which he had displayed on the present abstract question, had adverted to a resolution of the House in which it was stated, that the House would look to the substance, and not to the form, of a return. Now, he would say at once, that, in the present instance, he did not think it necessary that the return should be annexed to the writ. It was true that the statute required that the returns for counties should be attached to the writ, but it said nothing of a similar nature with regard to the returns for boroughs. Indeed, the constant practice in boroughs was quite different. If it were not so, there never could be a double return in them; for, supposing a dispute to exist as to who was the proper returning officer, one of the claimants to the situation would receive the precept, and the other would not. The one who received it would annex a return to the precept, and the sheriff on receiving it would annex that return to his writ. The sheriff, however, when he had a doubt as to who was the proper returning officer, had a right to receive a return from the different claimants for the situation, and to attach both returns to his writ. In the year 1640, when this subject underwent considerable discussion, there was a distinct proposal made to the House that returns coming through the hands of the sheriff should have the preference over those coming through the hands of individuals, and that the members returned by the sheriff should sit as members, until the House came to a decision on their right to continue to do so. That proposition, however, did not meet with the approval of the House. He could state other reasons to prove that it was not necessary that the returns should be annexed to the writ. In the present case, he thought it material to learn whether it was the intention of the sheriff to make a double return, or merely to place the second return in deposit, in case the parties named in it should think right to call for it. On that account he thought it necessary to read the certificate with which the sheriff had presented it to the clerk of the Crown. If it appeared that the sheriff had received on one day an indenture which he had attached to his writ, and then that he had received another indenture which he had not attached to it, he should think that the sheriff had given the preference to the first indenture. He should, therefore, consider the return as a single return, and should presume that the intention of the sheriff in sending up the other return, was merely to have it forthcoming in case the parties should call for it. In acting thus, he thought that the sheriff had acted indiscreetly; for he ought either to have made a single return, or to have annexed both returns to the writ. He did not see the danger which some gentlemen anticipated from having a number of similar returns. Undoubtedly it was in the power of every sheriff to

neglect his duty and to make such returns; but then the House possessed the power of punishing him for such misconduct, when it appeared to arise from improper motives. He was of opinion that the clerk of the Crown might have rejected the latter return, or might have made a special return to the House upon it, stating the circumstances under which he had received it, and asking for instructions how he was to act with it. Without intending to cast out any imputations upon that officer, he must say that his present entry in the book was indiscreet. In conclusion, he deemed it necessary that the House should be in possession of the original returns, and of the certificate of the sheriff; and he should therefore have great pleasure in supporting the proposition of his right hon. friend.

Mr. *Peel* observed, that his intention in calling in the clerk of the Crown, was to demand from him the original returns, and not to ask him any question. The conduct of that officer had not been impugned, and therefore did not require any explanation. He should merely ask him if the returns he produced were the original returns, and he would then leave the House to exercise its own discretion.

Mr. *Abercromby* perfectly agreed with the right hon. Secretary as to the course to be pursued when the clerk of the Crown was called in. He was happy, for the sake of individuals sitting in that House, as well as for the sheriff and the clerk of the Crown, that the House had come to a clear and decided expression of opinion on this question. He had no reason to complain of the conduct of Mr. Wilbraham, the deputy clerk of the Crown, and, under all the circumstances, as he saw no necessity for proceeding further, he would, with the permission of the House, withdraw his motion.

The clerk of the Crown, being then called in, produced the writ, directed to the sheriff of the county of Cornwall, for holding the late elections in the said county, with an indenture, whereby Stephen Lushington, LL. D., and James Brougham, esq. were returned as burgesses to serve for the borough of Tregony —annexed thereunto. He also produced another indenture, certified by the said sheriff to have been received at the office of his under sheriff, but which last mentioned indenture, whereby it appeared that James Adam Gordon, esq. and James Mackillop, esq. were returned as burgesses to serve for the said borough of Tregony —was not annexed to the writ. Mr. Secretary Peel then moved, "That the return for the borough of Tregony is not a double return;" which was agreed to. And it was ordered, "That the indenture whereby James Adam Gordon, and John Mackillop, esquires, are returned for the borough of Tregony, be taken off the file."

HOUSE OF COMMONS.

Thursday, November 30.

ARMY COMMISSIONS.] Mr. *Hume* rose, pursuant to notice, to bring before the attention of the House a subject of considerable importance, in moving for returns of all officers who have been permitted to sell their full-pay, half-pay, and brevet commissions, since the last return in March; also a return of the money received and paid for the same. It would be necessary for him to recall the attention of the House to the steps taken by a noble lord (Castlereagh), now no more, in the year 1817, exertions in which the House anxiously co-operated, to establish a distinction between the effective and non-effective military establishments, and to provide means for the support of non-effective establishments, in such a manner as might relieve the country from maintaining them as a heavy and permanent burthen. In 1817, as appeared from an abstract of the amount of half-pay, superannuated allowances, civil and military, the amount chargeable to the army was 2,800,000*l.*; and, so far from a decrease having taken place in these allowances since that period, there had been, on the contrary, a very considerable increase. He would not go so far back in his calculations as 1817; and would only remark upon the statement he had just made, that, unless some controlling check was exercised to keep down the expense of this and other departments connected with the non-effective force of the country by those who had the management and direction of them, it was impossible that the expenditure should be ever constrained within due and proper limits. The period which he would select for a comparison with the present, as to the amount of the charge of the dead-weight, was the year 1822, when Mr. Vansittart brought before parliament the notable expedient to pay

for the dead-weight, whereby it was proposed, that by the decrease of life, which was likely to be the more rapid in a department connected with services in foreign countries, it would be gradually decreased, and finally annihilated. At the time of the bringing in of the dead-weight bill by that right hon. gentleman in 1822, the half-pay and retired superannuated military allowances were 2,907,835*l*. Now, in 1817, the amount chargeable under the same head, was 2,800,000*l*., and at that time, the House would bear in mind that lord Castlereagh had said, that after twenty years of war, we were necessarily encumbered with a large half-pay list, which, by the prolonged continuance of peace would naturally be diminished, and consequently the charge of maintaining them. Taking the years 1822 and 1825 to shew what a little tendency there was to a reduction of this charge upon the nation, it appeared that the charge of the half-pay and retired superannuated allowances, in 1822, was 2,907,835*l*.—in 1825, 2,906,940*l*. The charge under this head, together with the charges under the head of Navy, Ordnance, civil, and miscellaneous departments, in these two years 1822 and 1825, shewed, that, instead of a decrease, there was a great and material increase. The account stood thus: dead-weight in 1822, 5,289,087*l*. — dead-weight in 1825, 5,302,499*l*.—increase, 13,412*l*. Now, this showed a clear tendency to an increase of the dead-weight, although assurances at the time of the introduction of this notable expedient were held out, that there would be an annual diminution of the charge of at least 5 per cent. Calculations were also at the time laid before the House from the Tontine Tables. These calculations were prepared by Mr. Finlayson, a clerk in the Sinking Fund Office, and by these calculations the country were induced to believe, that in forty-four years the whole of the dead-weight would be annihilated by the gradual decrement, by death, of the persons to whom the allowances out of it were payable. Lord Castlereagh held out a still further reduction, not only by the decrease consequent upon death, but by the transfer of officers from half to full pay, according as vacancies might fall, to afford opportunity for such transfer. But what was the fact? The half-pay, in 1817, was 647,922*l*. It increased in 1818 to 651,903*l*.; in 1819 to 737,372*l*.; in 1820 to 783,387*l*.; in 1821 to 765,781*l*.; and it went on increasing, in like manner, till 1825, when it amounted to 100,000*l*. more than it was in 1817. And this, although the report of the finance committee stated, that by the year 1821 a reduction on that branch of the expenditure might be expected of five per cent.—There was another novel practice to which the attention of the House ought to be called. He meant that of allowing officers on half-pay to sell their commissions. Whether the half-pay had been granted as a reward for past services, or as a retaining fee for renewed services, up to the year 1825, it had never been understood that the half-pay was a permanent charge on the country, or that those by whom it was enjoyed had any thing beyond a life-interest in it. By general orders from the Horse Guards, of the 2nd of May, 1825, and the 25th of April, 1826, officers on half-pay were empowered to sell their commissions, as unattached half-pay commissions, provided they were not above sixty years of age, that they had purchased their commissions, and that they had served twenty years in the whole, if lieutenant-colonels, majors, or captains; fifteen years, if lieutenants; or twelve years, if ensigns. The result had been highly detrimental to the public; for it appeared, that twenty-four lieutenant-colonels, forty-five majors, one hundred and eighty-two captains, sixty-one lieutenants, and fifty-eight ensigns, on half-pay, had sold out. Of those officers, who had thus sold out, there were four lieutenant-colonels, five majors, seventeen captains, and numerous lieutenants and ensigns who had been on the army-list for forty years; eleven of the officers, who had sold out, had been on the army-list above forty-five years; and two above fifty years. And to whom had these commissions been sold? Principally to young men who had been only a few years in the army. The consequence was, that the public, who had been paying this half-pay for twenty, thirty, or forty years, had entailed upon them, by this novel order from the Horse Guards, another payment, in many cases, of twenty, thirty, or forty years; thus perpetuating a description of allowance which was intended to terminate with the lives of those to whom it had been granted. The standing on the list of the army, of the

twenty-four lieutenant-colonels who had sold their half-pay commissions, was on an average thirty-two years; whilst the average standing of the purchasers was only twenty years: the sellers of the forty-five majorities had served on an average thirty-one years, whilst the purchasers had served only fourteen years: the sellers of the one hundred and eighty-two half-pay companies had served on the average twenty-six years, whilst the purchasers had served only 8¾ years; the sellers of sixty-one half-pay lieutenancies had served on the average 17½ years, while the purchasers had served only 2¼ years; and the sellers of the fifty-eight half-pay ensigncies had served, or been on the list, 16¼ years, while the purchasers had not served one day. Now, the country lost the amount of difference between these two averages; for it was quite clear that, if the several officers in the list he had read had been obliged to retain their half-pay till their decease, the country might expect to be released from the weight of their half-pay many years sooner than it now could by the demise of the much younger men by whom they were replaced. The substitution of young lives for old was a plan which would have the necessary effect of perpetuating that burthen on the country; for, if it were allowed to the parties he had alluded to, to sell, he did not see why purchasers might not expect the same indulgence at some future period; and thus that which was in its institution intended to be temporary, might be made permanent.—Another practice connected with the army, which tended much to increase and continue the burthens of the country, was that of giving so many new commissions while the half-pay list continued as full as it did. It was, he was told, the prerogative of the Crown to issue such commissions. That might be true; but he would contend, that it was a gross abuse of this prerogative, that there should be six hundred promotions yearly, and that so very few of them should be from the half-pay. To let the House see the extent to which this was carried, he would state, that when his majesty's ministers, in the year 1822, pledged themselves to the decrease of our military establishment, the number of officers from the rank of colonel to that of ensign on full pay, was 4,393; on half-pay 6,887; making a total of 11,280. It might naturally have been supposed, when the half-pay officers exceeded by a third the effective officers, that in all future promotions the officers would have been taken from the half-pay list; and, consequently, that the total number of officers would, at the present moment, be much smaller than in 1822. But what was the fact? It appeared that in the present year, 1826, though the number of officers on half-pay was only 6,373, being a diminution, as compared with the number in 1822, of 514; the number of officers on full-pay was 5,096; being an increase of 703. The aggregate number of officers at present therefore was, 11,469, being 219 more than in 1822. Was that a proof of the sincerity of the professions of economy and retrenchment which his majesty's government, in 1822, had returned in answer to the Address of the House of Commons? If the opinion of the committee of finance, that an annual reduction of 5 per cent might be justly expected to take place in the army list had been acted upon, that army list would now exhibit only 8,000 officers, instead of between 11 and 12,000. It would be easy to show that the public had been saddled with an expense of 100,000*l.* a year by these unnecessary promotions. He had stated the numbers from the rank of colonel to that of ensign: the numbers of all ranks, from that of colonel down to that of apothecary's assistants, stood as follows:—In 1822, there were on full-pay, 5,379; on half-pay, 8,342; making a total of 13,721; in 1826 there were on full pay 6,173, on half-pay 7,666, making a total of 13,839; being an increase from the year 1822 of 118 officers of all ranks, from that of colonel to that of apothecary's assistant. Now, if his majesty's government had paid any ordinary attention to economy, could such a state of things have been permitted?—It had been said, that the practice which had been introduced was beneficial to grey-headed officers, men who had been many years in the service. From all that he could observe, the reverse was the case, and veterans benefitted very little indeed from it. It occasioned officers of twelve or fourteen years' standing to be superseded by individuals of only two or three years' service. Such a circumstance must be any thing but satisfactory to the army. It appeared, by a reference to a list in his possession, of a few of the officers of various ranks, who had been allowed to

sell their half-pay commissions and retired full-pay, that lieutenant-colonel Cunningham, who was a lieutenant-colonel of the guards, at the age of thirty-two, a full colonel by brevet, and a general in the army, had been allowed to sell out, after having been forty-five years in the army, and twenty five years on half-pay; and had been allowed to sell all his commissions: that lieutenant-colonel M'Kenzie, after having been forty-six years an officer, had been allowed to sell all his commissions: that major M'Rea, who had been forty years on half-pay, after only three years of actual service, had been allowed to sell his half-pay commission. There were some cases still more surprising. General Clavering was promoted to be ensign, lieutenant, captain, and major, in 1794, and was put on half-pay in 1798; and yet was allowed to sell out in 1825. The same was the case with regard to several of the captains. He by no means imputed to the noble secretary at war, that he was actuated by any improper motives; but it was clear that in most, if not all, these cases, the officers who had sold out had been succeeded by young men. The plan, therefore, of thus allowing the half-pay to be sold, was nothing more nor less than a plan by which young officers were enabled to rise in the army over the heads of old ones; and so far from being fair or satisfactory, was distinctly the reverse. When it was considered, that the regular army in the united kingdom and the colonies amounted to 86,764, in the East Indies to 25,539, and engaged in recruiting to 476, making in the whole 114,779 men, it would be apparent, that if promotion were allowed to go on in the regular way, it would proceed with sufficient rapidity. It was true, that no officer was said to be allowed to purchase who was not at the time on full pay. But if he had merely attended the muster for a day or two, it was sufficient, and he might thus go on purchasing, step by step, until he had acquired what rank he wished. He did not say that the army ought not to be open to men of fortune; but he maintained, that throwing the door so widely open to patronage was extremely injurious in its effects on that House, as well as on the country. He had no hesitation in saying, that on several occasions members who had been disposed to support motions which he had made respecting the army, had not done so in consequence of their prospects, or those of their friends in that profession. He wished, therefore, that a check should be applied to the present system; and it was on the necessity for such a check that he grounded his present motion: one thing more he wished to state. In April, 1826, not satisfied with the enormous means of promotion which already existed, an order was issued from the horse guards, allowing regimental officers on full pay, who held brevet rank in the army superior to their regimental rank, to have the option of retiring upon an unattached commission on half-pay, of the next effective rank above that which they held regimentally; and permitting them afterwards, if so disposed, to avail themselves of the regulations of the preceding year, by selling that unattached half-pay commission. As long as such practices as these were permitted, it was impossible to expect that this part of our military expenditure could be materially diminished. He would now move for "Returns of all Officers who have sold their Retired, Full-pay, or Half-pay Commissions, specifying their names, rank, when they obtained their first commission as ensign or cornet, and when placed on half-pay, and of what corps; whether they purchased any and how many of their commissions, and how long they served in each rank; and whether they ever were on foreign service, and how long—since the return to this House, dated Horse Guards, 31st March, 1826."

Lord *Palmerston* said, that although he did not intend to object to the motion of the hon. member, he would remind the House of the peculiar circumstances which led to the regulation of 1825. The object of it was not so much to save money to the public as to give a scope for promotion in the army. The only expense which it could occasion was the contingent expense of substituting new lives for old ones, in some few isolated cases. The hon. member had objected to the largeness of the half-pay list; but he ought to have recollected, that a large half-pay list was the necessary consequence of the large establishments which the country had been obliged to maintain during the long and arduous struggle in which it had been engaged. There were but two modes of diminishing that list; namely, the death of the individuals placed upon it, or their appointment to full-pay. Now the House must be aware, that among the retired

officers on half-pay, there were many individuals who were neither desirous nor able to return to full-pay, and who were, consequently, in every sense of the words, a dead weight to the public. One object of the regulation was to enable such individuals to sell the annuities which they enjoyed to individuals who were fit to come upon full-pay, and so to effect a saving to the public. The cases referred to by the hon. member, of individuals who had retired upon half-pay, and who had been permitted to sell the annuities they so received, so far from being proofs of the regulation having been improperly acted upon, were proofs that it had produced all the advantageous results which had been anticipated from it; for it had enabled the country to get rid of a certain number of officers who were not eligible to situations on full-pay. He repeated, however, that the great object of the regulation had been to give scope for promotion in the army. Before that regulation was made, a great want of promotion had been deeply felt by the army. Officers of every rank had remained in their rank so long as to lose all hope of further preferment. Now, he contended that, unless the hope of promotion was given to the army, its military spirit would be damped, and it would cease to be that body which, in a constitutional sense, it ought to be. The regulation had, therefore, been most beneficial in its effects, by bringing into the ranks of the army officers who were qualified for their situations, and by giving to those officers a new and effective spur to the performance of their duties. The hon. member had also complained that persons of rank and family purchased promotion with much greater rapidity than it could be obtained by the usual routine of service. He would not deny that they did so: on the contrary, he would maintain, that it was a practice equally good in a military and in a constitutional point of view. He thought it was desirable to connect the higher classes of society with the army; and he did not know any more effective method of connecting them, than by allowing members of high families, who held commissions, to get on with greater rapidity than they would by mere seniority. This method of inducing men of family to enter into the service, was viewed, not with disgust, but with satisfaction, by the army. The hon. member had likewise said, that great partiality had been displayed in disposing of the patronage of the army, and that many of the hon. gentlemen who usually voted with him, were deterred from voting with him on subjects like the present, by the fears they entertained of retarding the promotion of their military relatives. Now, he really thought that the hon. member, if he made inquiry on his own side of the House, would find himself mistaken in that assertion. Indeed, he would appeal to the gentlemen opposite, and would ask them whether they believed that any regard was paid by his royal highness the commander-in-chief, in his disposal of military commissions, to the political opinions of those to whom they were given? He contended, that officers on the opposition side of the House received their fair share of promotion, and that the hon. gentleman, in denying it, was labouring under very considerable misapprehension. He believed it would be universally admitted, that no human being could dispose of the patronage of the army more fairly, more impartially, and more advantageously to the public service, than the present commander-in-chief. [Cheers from all parts of the House.] The hon. member had also said, that the power of issuing new commissions ought to cease, and that all vacant ensigncies should be filled up by ensigns taken from the half-pay. If such a proposition were to be adopted, the country would soon have an army inefficient for all warlike purposes. To call from half-pay to full-pay ensigns who had arrived at a mature period of life, and who were perhaps burthened with families, and living as they could in the country on the small pittance allowed them by the state,—to force such men to march about the country with their families, and perhaps to proceed with their regiments to foreign stations, would, instead of being a boon, be an infliction of positive injury upon them. The service would also receive as much injury as the individuals; for, instead of being provided with officers capable of rising from its lower to its higher grades, it would be filled with officers rendered by age incapable of exertion. Such a plan as the hon. member proposed was quite impracticable. Unless the vacant commissions were given to new officers, the connexion between the army and the upper classes of society would be dissolved, and then the army would assume a very dangerous and unconstitutional appear-

ance. It was only when the army was unconnected with those whose property gave them an interest in the welfare of the country, and was commanded by unprincipled military adventurers, that it could ever become formidable to the liberties of the nation.—The noble lord then proceeded to show the absurdity of the hon. member's proposition to absorb the half-pay list entirely, by promoting the officers placed upon it to full-pay. The returns lately presented to parliament, respecting the disposal of vacant commissions, showed distinctly, that one out of every three was given to the half-pay list, and that that proportion was as much as could be granted without entirely crushing that list. He then explained the regulations recently made, as to the retirement of officers who held brevet rank in the army. It was proposed to let officers who held such rank retire on half-pay on unattached commissions, and to give them, in so doing, one step higher than the regimental rank to which they had reached. The proposition was agreed to, in order to relieve regiments of old officers, and to give them that promotion to which they were entitled by the length of their services. In conclusion, he contended, that both regulations were calculated to confer benefit on the state, and were not so disadvantageous, in a pecuniary point of view, as had been stated by the hon. member for Aberdeen.

Mr. *Calcraft* said, that he rose for the purpose of saying a word as to the manner in which the patronage of the army was exercised by the present commander-in-chief. He thought it right, as a member of opposition, to say, that he could bear testimony to the fair and impartial manner in which his royal highness, the duke of York, administered the patronage of the army. He could speak of it, not only with regard to his own family, but also with regard to the families of other opposition members with whom he was acquainted. It was impossible for any individual to dispose more impartially of patronage than his royal highness. If the manner in which the patronage of the army was disposed of were compared with the manner in which the patronage of the navy was disposed of, the comparison would be highly advantageous to the duke of York. He felt it to be his duty to make this statement, because he differed widely in general politics from his royal highness, and because he had been compelled, upon one occasion, to take a part that could not have failed to be personally offensive to the royal duke. Such a step on his part had made no difference in the conduct of his royal highness towards those members of his family who had entered into the army. With respect to the present system of promoting officers in the army, the mode of administering that system more than counterbalanced the expense which it entailed upon the country. It was impossible to have that class of persons which it was desirable to have in the military service, if they were to continue without promotion as long as the peace might last.

Sir *R. Fergusson* concurred in every thing which had fallen from his hon. friend, respecting the impartiality with which his royal highness the duke of York administered the patronage of the army. The place which he had occupied for many years on the opposition benches, and which he expected he should retain as long as he had a seat in parliament, had never made any difference in the attention which his royal highness had thought fit to bestow on himself and the different members of his family who were in the army. If his political opinions had produced any effect on the royal duke's mind, he believed that it was to pay greater attention to him than he would, perhaps, have bestowed on a political adherent.

Sir *C. Cole* said, he should not have troubled the House with any observations, had it not been for the attack which had been made on those who distributed the patronage of the navy. He conceived such attack to be most unfounded, and could bear testimony to the impartiality with which promotion was dispensed amongst the deserving officers of that service.

General *Gascoyne* defended the recent regulations. He contended, that there were not officers on the half-pay list sufficient to fill up the different situations of daily necessity. The half-pay list ought not to be considered as a matter of economy, so much as a matter of utility. Instead of placing officers from it upon the full-pay, it would often be more advantageous to the service to place officers upon it from the full-pay. There was, in one regiment, an ensign who was sixty-one years of age, and several officers who were not much younger. He defended the propriety of the regulation made re-

specting officers who held brevet rank. The battle of Waterloo, which had given brevet rank to every officer of a certain rank who was present at it, had considerably increased the number of officers of that rank. Indeed, in some regiments, the number of brevet officers had been of great hindrance to the public service. In one regiment, out of eight captains, six held a higher brevet rank, and therefore, by the rules of the service, two of them were only liable to be called upon to perform the usual regimental duty. To get rid of this inconvenience, they were allowed to go on half-pay on their brevet rank; gaining, however, not more than one step above their regimental rank by so doing. He conceived such a measure to be no less useful to the public, than it was beneficial to the service, and advantageous to the officer who thought proper to retire.

The motion was then agreed to.

Mr. *Hume*, in proposing his next resolution, commented on the statement made by the gallant member for Liverpool; namely, that there was in the British army an ensign of sixty-one years of age. He would ask the gallant general how long that individual had served? Was it twenty, thirty, or forty years? Let it be which it might, the fact of his remaining an ensign after so long a period of service, was one of the greatest reproaches that could be uttered against the management of the army. He had never accused the duke of York of partiality in administering the patronage of the army. On the contrary, he had admitted that it was fairly exercised, and had said that it was not to the man, but to the system that he objected. All he had done was, to object to his having the power of bestowing patronage, and in such a channel as increased the half-pay list, which the House had shown an anxiety to reduce. Could it be right that the country should have the same half-pay list in the tenth year of peace that we had in 1816. With regard to the comparative abuse of patronage in the two services, he would say, that the abuse in the navy was to that in the army in the ratio of ten to one. He could prove that mere boys at school had been placed in command of ships, when the officers whom they commanded were lieutenants. That was a species of abuse which cried aloud for correction. The hon. member then moved for "a return of all Officers who have purchased the said Commissions; specifying their names, and when they obtained their first Commissions in the Army as Ensign or Cornet; whether they purchased any and how many of their Commissions, and how long they served in each rank; and whether they ever were on Foreign service, and how long—as far as the same can be complied with, since the Returns to this House, dated th. 31st of March, 1826." The motion was agreed to.

JOINT-STOCK COMPANIES—CASE OF MR. BROGDEN.] Mr. *Brogden* rose, and addressed the House with a degree of agitation which rendered him almost inaudible. He begged to call the respectful attention of the House to a few observations. The House was aware that an hon. alderman, whom he now saw in his place, had threatened to bring his conduct, in respect to a certain company, of which he had been a director, under its consideration. He was placed in a peculiarly unfortunate situation, in not knowing, first of all, what charges were to be preferred against him, and next, at what time they were to be brought forward. He had applied on the subject to the hon. alderman, who had told him, that he did not yet know what course he should feel it expedient to pursue. He therefore thought it right to inform the House once again, that he was most anxious that an inquiry should be instituted into his conduct, not only with regard to the Arigna Mining Company, but with regard to every other company with which he had been connected.

Mr. Alderman *Waithman* said, that he had now made up his mind as to the course which he should pursue. That course was, to submit a motion to the House on the subject of Joint-stock companies generally, and without reference to the conduct of any individual in particular. In case it should be carried, he had made up his mind to inquire into the origin and progress of the Arigna Company; into the conduct of the directors of that company; and, indeed, into the conduct of the directors of all other companies. He now gave distinct notice, that, immediately after the recess, he would bring these Joint-stock companies under the notice of the House. It was not from any wish to consult his own convenience that he postponed his motion till after the holidays; but he had had com-

munications respecting it with several gentlemen, accustomed to take a leading part in the debates of the House, and they had told him, that from the number of members who were preparing to leave town, and from other circumstances, it would not be practicable for him to bring on such a motion before the holidays, with any chance of success. He would avail himself of the first opportunity after the recess to bring it forward; and he hoped to be able to shape it in such a manner as would give the hon. member that opportunity for exculpation of which he appeared to be so desirous.

The *Speaker* asked the hon. alderman, whether he wished to have his intended motion entered in the book of notices.

Mr. *Maberly* said, that if he understood rightly what the worthy alderman had said, when he first brought this subject under the notice of parliament, he declared his intention of bringing a specific charge of misconduct against the hon. member who had formerly filled the situation of chairman of their committees. Now, however, that the hon. member had declined to sit in that chair, so long as any charges were hanging over his head unrefuted, the worthy alderman shifted his ground, and said, that instead of bringing a specific motion against any individual member, he would bring forward a general motion against a large number of members who had also misconducted themselves. If there were any foundation for charges so materially affecting the honour of the House, he would ask the worthy alderman, why he did not bring them forward immediately? Were such calumnies against the House collectively, and its members individually, to go abroad for months uncontradicted and unrefuted? Justice demanded that the worthy alderman should forthwith produce his charges against the directors of what he was pleased to call these fraudulent companies. The House ought not to forget, that many of those companies, fraudulent and ruinous as they were now termed, had been sanctioned by its approbation; that where a charter had not been obtained for them, it had given them leave to sue and be sued by their secretaries; and that it had also distinctly declared, that after having given them such power, it would not be responsible for the use to which the managers of the company might put it. He conceived that the insinuations which the worthy alderman had thrown out against every member who had taken any part, however small, in these companies, ought to be followed up immediately by some motion. At any rate, the worthy alderman was bound to see that justice was done, and that speedily, to the hon. member, whose re-election to the chair he had opposed so warmly. If the worthy alderman did not institute without delay an inquiry into the conduct of that hon. gentleman, he should conceive the hon. gentleman to be very unfairly treated. He had himself never had any thing to do with these Joint-stock companies, and he therefore was not afraid of any attack being made upon him for stating the opinion which he now had stated. But even if he had been engaged in some of these speculations, why was he bound to hold his tongue? Were members of parliament to be debarred from dealing in such matters? Were they to be prevented from applying their capital as they thought proper? If they were not, parliament ought to decide that it could have nothing to do with so general an investigation as the worthy alderman appeared to desire. He was aware that there was no motion before the House at present; but he thought the House was bound to answer this question—"shall we leave this gentleman, our late chairman, under the charges of the worthy alderman, till after the recess?" Something ought to be done to rescue him from the obloquy to which he had been exposed; and for his own part, he thought the worthy alderman, if he had any regard for the interests of justice, was bound to proceed immediately with his charges.

Mr. *Brogden* said, it was undoubtedly out of order for him to address the House again; but he trusted to its indulgence, whilst he said a few words upon a point which so materially affected his character. He was surprised that the worthy alderman had so misunderstood the communication which had passed between them. The worthy alderman had told him, that on Monday last he would inform him of the course which he intended to pursue. He then stated, that he did not intend to bring forward his threatened motion, which would be of a general nature, until after the recess. "I told him," continued Mr. Brogden, "that such a proceeding was cruel to myself and unjust to the House; that his first motion was personal

to myself, as it intimated an intention to oppose my re-election to the chair, on the ground of my having misconducted myself as a director of the Arigna company; and that he therefore ought to pursue his original intention, in order to give me an opportunity of vindicating my character from the calumnies by which it has been assailed." I repeat in public the declaration which I made to the worthy alderman in private. I am not Quixote enough to suppose that I can defend all the proceedings of all the Joint-stock companies which have recently been formed. I am fortunately not called upon to do any such thing. I am only called upon to defend myself; and I have no doubt of doing that successfully. I will not recede from the investigation which I have challenged. I dare the worthy alderman to the inquiry. I will meet any charges which he may think right to prefer against me, and that at the earliest period he may think proper to select. I know that it will be difficult for me to encounter the storm which is abroad; but I am confident that my character will carry me through it uninjured, and that I shall be restored, at the termination of it, to the good opinion of the House, which I feel conscious that I neither have lost, nor have deserved to lose. I implore the worthy alderman to give me the investigation which I seek; and if he will not do it of his own accord, I call upon the House to press him to proceed with the inquiry which he has menaced.

Mr. Alderman *Waithman* said, that he was now placed in a similar situation to that in which he had been placed the first time he had the honour of a seat in parliament. He had then brought forward a complaint against the constitution and management of the Court for the relief of Insolvent Debtors; and, in consequence of his exertions, that Court, as then constituted, was knocked up. He recollected, however, that after he had brought forward that complaint, the prosecution of it was taken out of his hands, and committed to the care of a select committee. He wished that some gentleman would now propose to do that which had been done to him on the former occasion, and would institute, by means of a committee, the inquiry which he had pointed out. He thought he had been very unfairly used on this question. He took it up, not on private, but on general grounds. [Cries of "No."] He begged pardon of the hon. gentlemen, but he must repeat the assertion to which they had given a denial. He had said, on the occasion to which he alluded, that if it had been possible for the Speaker to have had the same connexion with Joint-stock companies as the hon. gentleman was known to have had, he should have felt it quite as much his duty to resist the re-election of the Speaker, as to resist the re-election of the hon. member. He wanted no pressing to proceed with his charge. He was ready to go on with it, either at that moment or at any other time which might be more convenient to the House. It was owing to a communication which he had had with the hon. member himself, that he had determined to bring on the whole of this great question immediately after the recess. He had stated to the hon. member the nature of the motion which he intended to make, and had promised to let him see it, after he had drawn it up; and the hon. member had then himself admitted, that nothing could be done in the business till after the recess. The worthy alderman then proceeded to advise the House to consider what its predecessors had done in the year 1720, and to contrast it with what they were then doing. It would then see, that it had an act of justice to perform towards the country. He knew that he stood in a particular situation in bringing forward this motion; he might, perhaps, stand alone in doing it; but whether he stood alone, or was surrounded by others, he was determined at all events to do his duty.

FOREIGN GOODS IMPORTED INTO THE UNITED KINGDOM IN 1824 AND 1826.] Sir *Henry Parnell* rose for the purpose of moving for returns of the quantities of Foreign Goods imported into the United Kingdom in the years 1824 and 1826. The object of his motion was, to ascertain what had been the effect of the act that was passed in 1825, for altering the law in respect to the importation of foreign productions. It was commonly supposed that this act had established a free trade; but nothing could be more erroneous than such a supposition. The speech with which the President of the Board of Trade introduced that act had led to this opinion; but the act corresponded very little with the principles laid down in that speech; for the new duties were all kept so high,

that very little had been imported under them. The act did little more than change a system of positive prohibition into a system of prohibitory duties. There was now a duty of 30 per cent *ad valorem* on all foreign manufactures of silk, brass, copper, leather, painted china, sail cloth, turnery, carriages, and many other things: 20 per cent on hardware; on crown glass 8*l*. 6*s*. 8*d*. per cwt.: on sheet glass, 10*l*.: from 6*s*. to 11*s*. per square foot on plate glass: 9*d*. per lb. on paper: 11*d*. per lb. on books: 1*l*. 7*s*. 6*d*. per cwt. on copper: 2*l*. 15*s*. per load on timber: 4*l*. 10*s*. per cwt. on soap: 2*s*. 6*d*. per lb. on wax candles: 3*l*. per cwt. on gunpowder: 8*l*. 11*s*. per cwt. on hops: and about 50*l*. per cent on hats: and a great number of duties on other articles equally high. As the charges for freight, commission, insurance, &c., amounted to about twelve per cent, none of the above goods could be imported in competition with British goods; and the consequence was, that the system was, in point of fact, as exclusive of foreign competition as ever. The country was, therefore, still suffering all the evils which were so ably pointed out by the President of the Board of Trade, as the necessary results of prohibiting foreign competition by high protecting duties. The best incentive to excellence, and the best stimulus to invention and improvement, were destroyed by them, and mediocrity encouraged. By them the community was condemned to suffer both in price and quality, and all the evils of monopoly. They were a premium to the smuggler, and they excited the suspicion and odium of foreign countries. This was the character which the President of the Board of Trade had given of these duties, and the House had still to decide, whether it would leave them as they now existed, or adopt the principles and views of the right hon. gentleman, and introduce a new measure for really establishing a fair competition between British and foreign goods. —The hon. baronet proceeded to observe, that the more the nature of these protecting duties was examined, the more evident it was that, in place of being of any service to the manufacturing interest, they actually injured it. For, as agricultural produce was too high to be exported in order to pay for foreign goods, the more that were imported, the more British manufactures must be exported to pay for them; and, therefore, what was most for the benefit of the British manufacturers was, the greatest possible importation of foreign productions of all kinds. The right course to adopt was, to abolish every duty that partook of the character of what was called a protecting duty; and to impose duties on foreign goods solely for the purpose of obtaining revenue, and in no degree by way of giving protection to any branch of national industry. If this were done, there existed no sound reason for supposing that a single branch of manufacture would be incapable of carrying on a successful competition with a similar foreign manufacture; while it was, at the same time, certain, that if any branch should be injured, some other would be benefited in consequence of the larger exportation that would become necessary to provide the means of paying for the imported foreign manufacture. The high duties which were continued by the act of 1825 on timber, wine, and all articles of luxury, taste, and food, were productive of great injury, either by adding to their price, or by preventing their use, and thus limiting the demand for British production for exportation. It was capable of demonstration, that a larger revenue would be obtained by a lower rate of duty on timber; and it was clear that, so long as we imposed a higher duty on French wines than on the wines of any other country, we could have no chance of the French government acting upon liberal principles, in respect to admitting British goods into France. If the duties on articles of luxury, taste, and food, were lowered to about five per cent, a great revenue might be obtained for them; as was proved by some articles, that were not very heavily taxed, such as butter and cheese, at present yielding some hundred thousands a year of revenue. By the returns which were now required, it would be seen what the importations of foreign goods were in 1824, the year before the passing of the new law, and in the year 1826, the year after the passing of it. And when these were laid before the House, he should feel it his duty to move to have them referred to a select committee. He then moved, "That there be prepared and laid before the House, as soon as the same can be made up, an account showing the quantities of the following articles imported, and entered for home consumption, into the United Kingdom, from foreign countries, and the colonies, in the

years 1824 and 1826; and also showing the rate of duty payable on each article, in each of these years."

Mr. *Warburton*, in rising to second the motion, said, he was convinced, that the more a person was acquainted with the details of the importation of foreign articles into this country, the more he would be convinced that the system of free trade had been very imperfectly carried into effect. In the article of foreign timber, with which he was better acquainted than with some of the imported articles, he knew that the duty imposed was not only very heavy, but was very inconveniently levied. The price of good timber in the Baltic was about 18*s*. or 20*s*. per load, and the amount of duty payable on it when imported, was nearly three times that sum. But that was not the only evil. There was another, which, in some respects, might be considered still greater. He alluded to the mode in which that duty was levied. The landed gentlemen of this country would think it very hard if they could not dispose of their timber except when it was cut into planks of certain dimensions; and yet, such was the difficulty imposed on those who sold their timber from the countries bordering on the Baltic for importation into this country. According to the system now in practice, with respect to the importation duty levied on timber coming from the Baltic, planks of six feet long and half an inch thick, paid exactly the same duty as planks sixteen feet long and three inches thick. The result of this was, that the price was raised to the consumer, upon whom this unequal taxation always fell the most heavily. If the importer could not dispose of the deals cut in the smaller dimensions at an advanced price, which, of course, he could not hope to do, he must put a higher price on those for which he was more likely to find purchasers; and the result of this would be, to raise the price of deals to the consumer. He knew, that, within the last year, a new tariff of duties had been in contemplation; but it had not been carried into effect, and the evils continued the same as before. He did not mean to say that government could not, by possibility, be justified in imposing high duties on such an article, and imposing them in the manner he had stated; but he did not mean to say, that unless ministers had a strong ground to justify this mode of imposing the duty, they ought to alter it, as it was highly injurious in its effects. He believed that the gentlemen connected with the Canada and Russian trade had endeavoured to obtain a new tariff; but their attempt had fallen to the ground. A stagnation of the trade had followed the continuance of the old system, and the only measure which might have increased the trade, and afforded some compensation for past inconveniencies, had not been introduced. Having thus expressed his opinion upon the amount of duty levied on timber, and on the mode in which that duty was levied, he should proceed to notice one or two other articles which were imported into this country, and in respect of the duty on which he thought there ought to be some alteration. There was one article in which we carried on an extensive trade with France; but that trade we had so regulated, as to impose a heavy tax upon ourselves, in the shape of an importing duty. The article to which he referred was Gum Senegal. It was of the utmost importance to calico dyers to have this article; and it was well known that it could only be obtained from the river Senegal, and in small quantities. At one time that article was, by an order in council, allowed to be imported into this country from the ports of France; but, under the present system of importation regulations, that practice was discontinued, and the gum must first be exported to New York, and from thence brought back to this country. This expense of shipment and re-shipment, together with the other charges incident thereto, only served to render the commodity dearer to the consumer. The French followed our bad example in this respect. They said they would act in the same manner towards our article of indigo, as we acted towards their gum Senegal; and they in consequence prohibited the indigo of the East Indies from being imported directly into the ports of France. The indigo was, therefore, taken to Ostend, from whence it was re-shipped, perhaps at a charge of from two to three per cent, and then it was carried into France. The ridiculous part of this system was, that neither country injured its neighbour by these prohibitions, but each injured itself. France, by prohibiting the direct importation of indigo, laid a tax of two or three per cent on that article, which was absolutely necessary in their manufactures; and we could not

laugh at them for their folly, since, by pursuing the very same system, we imposed a similar tax upon ourselves, in the equally important and necessary article of gum Senegal. Neither nation could assume the honour of being wiser than the other upon these matters. The next article to which he should call the attention of the House, was the silk we imported from Persia. A large quantity of that silk did, in fact, come to us by the way of Russia. By the law, as it now stood, Persian silk could not be admitted directly into this country, as it was a product of Asia. Now, the most prudent course would be, to admit all articles of commerce by that channel in which they could be received in the cheapest way. It was true, that Persian silk might come to this country by sea from the East Indies; but then it would come at greater cost, as most of of the provinces of Persia from whence that silk was brought lay on the shores of the Caspian sea. The cheapest method, therefore, of importing it, would be to get it through the ports of Russia. That method, however, was prohibited by the law as it stood. If it really was the object of the right hon. gentleman to introduce the principles of free trade, why should not Persian silk be allowed to come here from Russia? He applauded those principles of free trade which the right hon. gentleman had advocated, but which seemed hardly to have been sufficiently put into practice. He did not believe that the fault lay with the right hon. gentleman, who, he trusted, would have the firmness to persevere in carrying his principles into effect, and would not suffer his measures to be frittered away by the interested representations of individuals immediately connected with the trade which it was supposed they might affect.

Mr. *Huskisson* said, that as he did not feel the least wish to object to the account for which the hon. baronet had called, and as he did not think this a fit occasion to enter into the subject of the importation duties, he should make but a few observations on the question. He was of opinion, that the great principles which regulated, or which ought to regulate, the commercial policy of this and of other countries, required a more solemn consideration than could be given to them at the present moment; and believing this, he hoped he should stand excused to the House for saying, that it seemed to him the fitter time to enter into the discussion would be after the information sought for by these returns had been obtained. Perhaps he might be allowed to observe, that a great difference of opinion seemed to exist among the impugners of the measures which he had had the honour of advocating. Perhaps he might be permitted to say, that those who out of doors clamoured loudly against these measures, as being injurious to the trade of this country, had founded their clamour upon the speeches of gentlemen opposite, some of whom now complained of those very measures as not being sufficiently strong. On the one hand, there was the complaint, that too much had been done for free trade; while, on the other, there was an equally loud complaint, that nothing had been done. He should not now stay to discriminate between such conflicting extremes of opinion. However, he could not but wonder, that while gentlemen within the House asserted that the principles of free trade had not been carried far enough, there should be others out of the House persevering in their attempts to direct the opposition of the mis-informed towards those measures, which, he could boldly declare, had in no degree contributed to the distresses lately experienced in this country. Before he sat down, he would give the hon. baronet the explanation he required upon the subject of the treaty with Portugal. It was true, that the period when either this country or Portugal might renounce the terms of that treaty arrived in June last, and Portugal had expressed a wish that some alterations should be made in it before it was renewed. Those alterations were still the subject of discussion between the two governments, and, until they should be arranged, the treaty would continue in force, as it was in terms a perpetual treaty, subject only to alteration and revision at certain stated periods. That was the state at which things stood at present; and ministers were, therefore, not at liberty at present to deal with the question of the duty on French and Portuguese wines, as the treaty was still pending. There were other branches of the subject to which the hon. member for Bridport had alluded, but which it was not now the proper time to discuss. He, however, would remind that hon. gentleman, that there was not one measure to which he had adverted that was not expressly pointed out to ministers by the Navigation laws. Whether

those laws ought to be altered or not, was another question; but, while they continued in their present state, and remained as the guides of our foreign commerce, they must be obeyed, and ministers had not the power to change the course which they directed to be pursued.

Mr. Alderman *Thompson* thought, that the country was highly indebted to the right hon. gentleman for the liberal course which he had hitherto pursued. He wished to know what was the object of the present motion; for, if it was to obtain a select committee, to whom was to be referred the question of the importation duties; he should certainly oppose the appointment of any such committee, until after the question of the Corn-laws had been finally settled. Until that question was decided, he was convinced the trade of this country could only be partially affected by other measures.

Colonel *Torrens* protested against the principle, that British manufacturers wanted any protection. All they required was, that their energies should not be oppressed and destroyed by enormous and unnecessary duties. We could not export our agricultural produce in return for importations of foreign manufactures, since that produce was nearly 50 per cent. dearer than any other in the world. We must, therefore, either export our manufactures, or pay money for goods imported. If there was a free trade to-morrow, our manufacturers might meet all the world; and their knowledge and skill, their capital and their machinery, would give them a decided advantage. But, then, the Corn-laws destroyed these means of superiority; and, until the question of those laws was settled, the prosperity of England stood but on a foundation of sand. He should not detain the House further, as he had merely risen to enter his protest against the supposition, that, of themselves, the British manufacturers required any protection against foreign competition.

The motion was then agreed to.

HOUSE OF COMMONS.

Friday, December 1.

Arigna Mining Company.] Mr. Alderman *Waithman* said, that in consequence of what had passed in the House last evening, he was induced to give notice, that on Tuesday next, he would submit a motion, for an inquiry into the formation and proceedings of the Arigna Mining Company. He was induced to bring forward the motion thus early, from the desire for a speedy inquiry expressed by an hon. member. At the same time he begged to say, that he did not intend to confine his motion to the conduct of that company; but should extend it to other Joint-stock companies with which that hon. gentleman and other members of that House were connected.

Mr. *Brogden* said, he felt personally obliged at the announcement of an early day for bringing forward a motion, in which his character was so deeply concerned. He felt the same confidence that he had before expressed, as to his coming out of the inquiry with an unsullied reputation. He had seen in a report of the proceedings of the House of last evening, in which it was stated, that it was intimated to the worthy alderman by him, that he wished the subject should not be brought forward, until after the holidays. He now called upon the worthy alderman to do him the justice to say, that he had never concurred in such an understanding.

Mr. Alderman *Waithman* said, that in stating that there had been a wish expressed, that the subject should not be brought forward until after the holidays, he certainly did not allude to the hon. member but to a right hon. gentleman over the way. It was by no means with a view to his own convenience, that he had suggested the postponement. It was to meet the wishes of others: but, perceiving that a disposition to accommodate was sometimes productive of greater inconvenience than the adherence to an original plan, he was determined to exercise his own discretion, and bring the subject before the House on Tuesday.

Currency and the Corn-laws.] On the order of the day for going into a committee of supply,

Lord *Folkestone* took the opportunity, seeing the President of the Board of Control in his place, of asking whether it was the intention of ministers to introduce any measure respecting the Currency, in consequence of what had taken place in the Committee on the Small Note Bill in the last session of the last parliament?

Mr. *Huskisson* said, that he was not at that moment prepared to reply to the question of the noble lord.

Lord *Folkestone* said, he thought the

present a proper opportunity for remarking upon the extraordinary situation in which parliament was placed, by the conduct of ministers, with respect to the Currency and the Corn-laws. Parliament was assembled at an inconvenient season of the year, and at a time that, it was admitted by all, the greatest distress pervaded every class of the community. Yet they were told by ministers, that no discussion should take place upon the subject, on which the greatest excitation was raised throughout the nation. When the members met together, they were told that no information should be given; that no debate should take place on these points, on which information and debate were most desirable; in short, that the only purpose for which their attendance was rendered requisite, was to pass an act of indemnity to ministers for a measure, which more than any other measure of their administration, had obtained for them the approbation of the country. He saw no ground for this delay. There had been, indeed, a great deal of blustering, that come what may, ministers would abstain from declaring their views; but they were greatly mistaken, if they thought that such a declaration on their part would satisfy the country. Both parties—those who thought that the agriculture of the country ought to receive additional protection, and those who thought that it ought to be deprived of the protection which it already possessed—were equally interested in the determination of the question; and in the meanwhile, therefore, the general agitation was in consequence extreme. He was utterly at a loss to conceive what rational advantage could ensue from the delay in settling so important a matter. To talk of inconvenience was to trifle with the feelings of the whole country; and was more especially absurd, when it was perfectly well known, that on former occasions inconvenience was not deemed a sufficient reason for postponing the consideration of matters of national importance. He perfectly well recollected, that some years ago, when a scarcity was expected, parliament sat during the months of November and December, expressly to make such an alteration in the Corn-laws as might meet the anticipated necessity. When it was thought expedient by his majesty's government to propose certain strong measures, the tendency of which was to violate the liberty of the subject, no similar plea of inconvenience was allowed to prevent the meeting of parliament at the present season of the year. He could not conceive why his majesty's ministers had been unable to make up their minds on this vital question before the meeting of parliament. When he had just now put a question to the right hon. gentleman opposite, as to any intention to renew the committee of last session on the state of the Currency, with a view of settling certain points still mooted, the right hon. gentleman was not prepared to answer the question. As it was impossible that his majesty's government could have any measures in contemplation with which that right hon. gentleman was not perfectly acquainted, he did not think that he should be acting unfairly towards the right hon. gentleman's colleagues, if he inferred from the right hon. gentleman's disclaimer, that they had no intention at present of proposing any measure with respect to the two important subjects to which he had alluded. That was a statement, indeed, which he had heard in other quarters. Recollecting as he did how the last session opened; recollecting that in February, only six weeks after the occurrence of what was generally known by the name of "the panic," the country had been described by the right hon. gentleman and by his colleagues, as having been within eight-and-forty hours of returning to a state of barter, a state of utter confusion, entirely incompatible with its welfare and existence, and therefore that it was necessary to call the immediate attention of parliament to the providing of a remedy calculated to prevent the recurrence of such a danger:—recollecting that all the evils which had been endured had been attributed, and most justly attributed, to the deranged state of the currency—recollecting that on that occasion his majesty's ministers lost no time in bringing the question under the consideration of the House in a manner which met with his entire concurrence; recollecting all these things, he owned he was surprised that the plea of inconvenience was now set up, in order to avoid the discussion of a subject allowed on all hands to be one of the most important that could by possibility be brought under the consideration of the legislature: The consequence of the proceedings adopted by his majesty's government at the commencement of the last session was, that a bill was introduced for the purpose of putting

an end, under certain exceptions and modifications, to the circulation of small notes. That bill, however, experienced material alterations in passing through the House. It being contended, that the principles respecting paper currency applicable to England were not applicable to Scotland and Ireland, and especially to the former, a select committee was appointed to take that part of the subject into consideration. Every body must recollect, that, towards the close of the last session—a session which it was known immediately preceded the dissolution of parliament—an extreme degree of hurry prevailed in all the proceedings of parliament. The Corn question, the Currency question, and a great many other questions of importance were postponed; and the report of the committee to which he had alluded was not brought up, until within a few days of the prorogation, and, together with the evidence, was not printed until several months after the dissolution, of parliament. From that evidence, it would appear, that the real difficulties of the question had not been mooted, or canvassed, in the committee. It had been argued by various gentlemen, and especially by the right hon. gentleman opposite, that, to restore the currency to a satisfactory state would be to restore agriculture to its former easy situation. And yet the House would be surprised to hear, that, in the whole of the proceedings of the committee to which he had adverted, no inquiry was made by the right hon. gentleman, or by any other member of it, as to the effect which had been produced on the agriculture of Scotland by the substitution of a paper for a metallic circulation. With respect to that part of the inquiries of the committee which related to Ireland, it had undergone a most imperfect consideration. The conclusion of the report of the committee stated, "That in the imperfect state of the information which the committee had obtained with respect to Ireland, they were unable to come to any decisive opinion on that part of the question submitted to their investigation." Now, was it fitting that a great national question should be left in this undetermined condition? Was it fitting, when all our distresses had been over and over again attributed to the state of the currency, that the real state of that currency should be left in doubt? The committee asserted, that their information was so imperfect on the state of the Irish currency, that they could not give an opinion; and yet this very question, on which that of the Corn-laws, and so many others of importance, were said to depend, was to be left, in this uncertain state. The committee went on to say, "It will probably be deemed advisable to fix a definite, though not an early, period, at which the circulation of Ireland of all notes below 5*l.* shall cease. And it is deserving of consideration, whether measures might not be adopted in the interim for the purpose of ensuring such a final result by gradual though cautious advances towards it." And yet, notwithstanding this uncertainty, the House was to be left in darkness, as to whether any further measures were to be introduced, and ministers were unprepared to say whether they would take any step on that important subject. He repeated that parliament and the country were most unfairly treated by ministers, by the protraction of those important subjects, and he felt it his duty thus early to enter his protest against the continuance of such delays.

Mr. *Huskisson* observed, that the noble lord had discovered more in the answer which he had returned to the noble lord's question, than that answer really implied. The noble lord had asked him, whether it was intended to renew the committee of last session on the Small Notes bill, or to take any steps with regard to the report which had been presented by that committee. His answer was, that he was not prepared to inform the noble lord whether or not it was intended by government to propose either the renewal of the committee, or the adoption of any proceedings founded on their report. From that answer the noble lord chose to infer prematurely that no steps whatever would actually be taken. He again stated, that his majesty's government had not had an opportunity of considering if it was necessary or not to renew the committee in question; and, therefore, he was not prepared to say whether they would do so, or whether they would take any steps on the report already presented. The noble lord expressed his surprise, that when a report had been presented in a former session, on a subject involving questions of the greatest public interest, his majesty's government ten days after the meeting of parliament on a special occasion, and at an unusual period, declined any proceeding on that subject until after the recess.

The noble lord, who was a great friend to the liberties of the people, and a great stickler for the constitution, could not see for what purpose parliament was assembled, if not to dispose of the currency and corn questions. It was assembled in deference to the constitution: it was assembled because his majesty's ministers had advised a breach of the law on a subject of great and peculiar importance. His majesty's ministers conceived, that having violated the laws, they were bound to call parliament together to sit in judgment on their acts, and either to indemnify them for what they had done, or put an end to the continuance of the violation. His majesty's ministers conceived that on the very same day on which they advised a violation of the constitution, they ought also to advise his Majesty to call parliament together as soon as they could conveniently be assembled. It was on that ground, and for that purpose, that parliament had been summoned to meet; and he was sure it was not surprising to the majority of the House, or to the country at large, that it was not proposed to parliament, at the present time of the year, to proceed to the permanent settlement of such great questions as those connected with the corn and the currency. It was never usual to bring on important questions such as those, within a few days of an expected adjournment. The noble lord must be aware, that from the circumstance of this being a new parliament, important questions could not, for some time, be proceeded with to any great length; and it would be extremely unfair and injurious to the country, to bring forward any important measure which could not be pursued to its termination. The noble lord said, that all this was a pretence; and that his majesty's ministers had not made up their minds with respect to the plan which they intended to propose regarding the Corn-laws; and that it was because they were not ready, that they did not come forward. He could only say, in answer, that his majesty's ministers were prepared and agreed with respect to what measures they should bring forward, with a view to the permanent settlement of the Corn-laws; but that they thought it would not be conducive to the interests of the country; they thought it would be calculated to occasion a most injurious division of feeling and conflict of opinion, if they brought forward such a subject at a time when it was impossible to pursue it to its accomplishment. The noble lord said, that he recollected parliament having been called together at the present period of the year, for the general despatch of business; and among other instances, had specified one in which it was assembled for the purpose of providing means to obviate an apprehended scarcity. But that was quite beside the present question. The present case was simply this:—ministers having adopted certain measures which appeared to them to be expedient, although in violation of the law, parliament had been assembled to say whether they had done right or not. A period might be very unfit for the consideration of a permanent alteration in the law, which was extremely fit for the consideration of the propriety of a temporary expedient which had grown out of an urgent occasion. He perfectly admitted to the noble lord, that the question respecting the Corn-laws must be looked at with more or less reference to the question respecting the currency. But what he maintained was, that those two questions—questions of such magnitude—could not be advantageously considered at the present inconvenient season; and that it was much more wise, therefore, to postpone them until the ordinary period. The noble lord had reproached him with not having in the committee on small notes directed any inquiries, to ascertain how far the comforts of the agricultural labourers in Scotland had been affected by the introduction of one-pound notes. The fact was, however, that so remote was the period at which those notes had been introduced into the Scotch circulation, that nothing could now be known of the effect which had been produced by them; and therefore that he should have been laughed at if he had put any such questions as the noble lord had suggested. He was satisfied that neither by the House nor by the country would his majesty's government be censured for not bringing forward the subjects of the currency or the Corn-laws, at this particular period.

Mr. *E. D. Davenport* maintained, that the first subject that ought to be considered, was the best mode of placing the currency on a more stable footing; and that with regard to the price of corn, or of any other commodity, it was useless to discuss it, while one of the principal elements of that price remained unfixed.

When he reflected on the manner in which the currency had been mismanaged during the last ten years; the fluctuations which had taken place in it; and the way in which, by such means, large classes of the people had been robbed, without knowing how they were robbed; he felt that it was the question which, before all others, ought to receive the grave consideration of parliament; and he pledged himself, after the holidays, to call the attention of the House to it, and to show that it was the fluctuations in the currency, and not the speculations of individuals, that had produced the gigantic evils with which the country had been visited during the last year.

Colonel *Torrens* expressed his satisfaction at the postponement of the consideration of the corn question. The appearance of things indicated the probability of a scarcity; and, if so, by the spring, the evil of protracting the existence of the present laws on the subject would be too manifest to be denied by any one.

Mr. *Benett* objected to the postponement, and observed, that ministers were bound to state to the House the course which they intended to propose on the corn question. As long as this was unknown, the country would be kept in a state of suspense, highly injurious to all parties. No man was safe in entering into any transaction connected with the purchase or sale of land, while he was ignorant of what might be the future proceeding on that question. He therefore regretted the delay, and for the very same reasons on which the gallant colonel had founded the expression of a contrary sentiment. It was said, that every day would show more and more the impolicy of those laws. He expected that various meetings would be held in different parts of the country, some to obtain their repeal and others to obtain protection for the landed interest. At those meetings he anticipated that violent and intemperate language would be used by both parties, and more particularly by that party which sought to alter the present system. That this would be the natural effect of postponing the discussion, no man of any reflection would venture to deny. Various meetings had been held at different places; and he must particularly mention the one held in the Common-hall of London, in which the landlords had been branded with the name of monopolists, and other absurd titles, but though they had been exposed to this species of abuse, no retaliation had been exercised by the landlords. The language used by the meeting at Manchester was scarcely less violent; and the only place which had discussed the question with temperance and moderation was Leeds, where several gentlemen had argued it with a degree of talent and information which would not have disgraced the best speakers in that House. For himself, he could only say, that however closely he might be connected with the landed interest, he had always acted upon a thorough conviction, that the interests of commerce, manufactures, and agriculture, were intimately combined.

The House then went into the committee.

CUSTOMS AND EXCISE INFORMATIONS.] Mr. *D. W. Harvey* said, that the two motions which he intended to bring forward that evening, were so connected with each other, that he would take the opportunity of making at once all the remarks with which he deemed it necessary to introduce them. One of the motions was only the revival of a motion, which he had himself introduced in 1820, and which he had intended to have followed up by another motion, had not his right to sit in parliament been cut away by a decision which convinced him that the conclusions drawn by election committees were not always infallible. Since the year 1820, no notice had been taken of the subject to which he had called the attention of the House, though it was one of great importance, and referred to abuses, which were deeply rooted in the system of the law as at present administered, and which operated injuriously on the individuals who were made the victims of them. There could not be found a more decided proof of the advantages arising out of the interference of parliament, than that afforded by the results of his motion. It appeared that from the year 1816 down to the year 1819, both inclusive, being a period of four years, previous to any notice being taken of the number of prosecutions instituted under the customs and excise laws, the average number of informations filed each year was 700; whilst during the year in which attention was called to the subject, and during the year immediately following, the average number did not exceed 250. From such a statement of facts, he in-

ferred that, so long as the solicitors, who enjoyed the exclusive power of wielding this destructive weapon, should enjoy it without limitation, so long as all parties liable to the excise laws were placed under their particular jurisdiction, they would not hesitate to seek their own aggrandizement, under the mask of advancing and protecting the revenue. It was a fact well deserving the attention of the House, that no sooner had its vigilance been directed to the subject, than the average number of annual informations was reduced from 700 to 250—a reduction by which every victim rescued from the grasp of the excise laws was saved an expense of 150*l.* and the Crown an expense of 300*l.* or 400*l.* upon each prosecution. The reason which induced him to revive his former inquiry, was a wish to see how far the power of filing informations under the customs and excise laws had been exercised since the year 1820. It was not for him to draw hasty conclusions from statements which were not before the House, but which, he believed, could be substantiated; but he should be much surprised, if it were not found, that a recurrence of the old abuses took place as soon as the vigilance of parliament ceased to be directed against them.—The other motion which he had to submit to the House, was for a return of the number of causes set down for trial and disposed of in the courts of King's-bench, Common Pleas, and Exchequer, during the last seven years, and was therefore intimately connected with the proceedings in the courts of law. Those three courts possessed equal jurisdiction in most things, though in some the court of Exchequer possessed an exclusive jurisdiction. Though they were all filled by the same number of judges, and though each of them, with the exception of the chiefs, received the same stipend, still, when the business which they respectively transacted was compared, it was impossible to come to any other conclusion than this—that the courts of King's-bench and of Common Pleas were overburthened with business, to the great injury of the suitors in them, and that the court of Exchequer was little better than a receptacle for legal sinecurists. Whilst from seventy to one hundred causes were daily entered for trial in the courts of King's-bench and of Common Pleas, there were seldom more than six entered in the court of Exchequer. His object was to show, that where the courts possessed equal jurisdiction, and where the judges were taken from the same bar, and distinguished for nearly the same degree of talent, there must be some inherent defects in the court of Exchequer, which clogged the court in its proceedings, and prevented the subject from approaching it for redress. The advantages which would arise from enabling the suitor to approach it with the same facility that he approached the other courts, were palpable; for it would diminish the labour of two of them by adding to the labour of the third. There was also in his motion, an allusion to the equitable jurisdiction possessed by the court of Exchequer. Considering all that the House had recently heard on the proceedings in the court of Chancery, he thought it would be advantageous to know something of the number of causes decided on the equity side of the court of Exchequer. The House would then know why a court scarcely inferior in jurisdiction to the high court of Chancery should have its files scarcely touched, whilst the court of Chancery had its files overburthened by the bills which were filed in it. If, therefore, the equity side of the court of Exchequer could be made auxiliary to the court of Chancery, an avenue would be opened, by which the discontent generated by the expensive delays of the latter court might gradually disappear. He did not now mean to say what degree of equitable jurisdiction should be extended to the court of Exchequer; but he thought that, as the court of Exchequer generally rose after a sitting of half an hour, some business might be given to it, which would diminish not only the labour, but the odium at present attached to the court of Chancery. Having made these observations, he would move, "That there be laid before the House, a Return of the total number of Informations filed in the court of Exchequer, for penalties under the Customs and Excise laws, from the year 1820 to the end of Michaelmas term, 1826; with separate statements of the amount of penalties sought to be recovered, and the actual amount eventually received; distinguishing whether the same was paid before or after verdict, and whether the same was the full verdict recovered, or the result of compromise; together with the amount of the costs incurred in each prosecution, and what proportion thereof was paid by the Crown and the defendant."

Mr. *Hume* seconded the motion. He

said, that last year a similar motion had been made by him, in order to obtain information upon this subject. His object had been to show the grievous hardships under which persons laboured, who were exposed to the operations of the Customs and Excise laws. At present it was in the power of any individual to institute a suit, or. information, against whomsoever he pleased for a breach of the Revenue-laws; and, however triumphantly that suit might end for the accused, he was obliged to pay all the expenses of the process. He had known an instance of a suit instituted against an individual, upon the oath of an excise officer, and which had been scouted out of court. This individual, however, found himself liable to all the heavy expenses attending the suit. Persons who were decidedly innocent, should be placed on equal advantage with the Crown; which ought to pay all the expenses if the party it accused was acquitted. He had known persons involved in ruin by Exchequer prosecutions, although the court had pronounced them thoroughly innocent.

Mr. *Lockhart* thought, that if the judge who tried the information, were to certify that there was no cause for filing it, the Crown should pay the defendant his costs. If such certificates were given by the judges, they would bring before the notice of the public the conduct of those who had the power of filing the informations. The reason why so little business was transacted in the court of Exchequer was, that an attorney could not practise there in his own name, but was obliged to practise in the name of one of the side clerks. He received, therefore, only half fees; and that was the reason why he went in preference to the court of King's-bench, where he received whole fees. He thought it would be of great advantage to the public to get rid of these side clerks altogether. He supposed they had a vested interest in their situations, and that therefore the House must indemnify them for the loss they would sustain by the abolition of their offices. When they were got rid of, the court might be thrown open, and so be made to relieve the other courts from the pressure now thrown upon them. He was anxious that some attention should be paid to the internal arrangements of this court; for some years ago, several mal-practices were detected among its officers, and that he had himself brought forward a motion on the subject. It was found that they took the declarations and the pleas on trust; and that when they were so taken on trust, they were never delivered at all, though they were regularly charged to the unfortunate suitor. By such a proceeding, not only were the suitors injured, but the revenue defrauded of the stamp duties.

Mr. *Spence* said, that the hon. member's motion called only for a return of the number of causes set down for trial, which was not in itself sufficient. The House ought to be informed how long the court was occupied in hearing interlocutory motions. He thought, therefore, that a more extensive motion was necessary. He could assure the House that the judges of the court of Exchequer were anxious that that court should be made an efficient court, and that they would willingly lend their assistance to any measure which would prevent it from being branded as a receptacle for sinecurists, by giving it an active and extensive jurisdiction.

The two motions were then agreed to.

HOUSE OF LORDS.
Monday, December 4.

Corn Laws.] Lord *King* said, he had a petition to present to their lordships against a grievous and scandalous monopoly; namely, the Corn-laws. It had pleased some of the landed monopolists to deceive themselves (he did not think that they would deceive any body else), and to state, that their own wish was to have cheap corn. He had very little hopes that they would effect their object, nor did he think that they would carry their other point; namely, to make a permanent settlement, until they did that which was just and right. They might make a new law, and he had very little doubt that they would make a new law; but, until they repealed the existing monopoly, they never could effect a permanent settlement. The petition which he held in his hand came from Association No. 1, he did not know how many more there were, of a society of the manufacturers and inhabitants of Charfield, in the county of Gloucester, called the Anti-bread-tax Society. The petitioners stated, that they could see no reason why the landed interest should have the special privilege of exempting themselves from taxes; but the petitioners added, that if the landowners should exempt themselves from paying all taxes, it

would be far less injurious to the community than prohibiting the free importation of foreign grain. They likewise stated that the English manufacturer paid 3*d.* per day more than the continental manufacturer, which amounted with petitioners only, to a tax of 38*l.* weekly, or 2,000*l.* yearly on wages. This would show their lordships how highly oppressive the Corn-laws were to the labourer, and that, as far as regarded the manufacturer, those laws were bad in policy, and highly injurious to the trade of the country.

HOUSE OF COMMONS.

Monday, December 4.

ATHLONE ELECTION.] The *Speaker* said, he hoped the House would permit him to draw its attention to the petition which had been received last week from the borough of Athlone. On Saturday last, he had told the House that such a petition had been presented, and had requested its assistance in deciding whether it came within the restrictions which were requisite to constitute it an election petition. The restrictions, as the House well knew, rendered it necessary that the petitioners should be persons who claimed to be either candidates or voters. Now, this petition did not describe the petitioners, directly or indirectly, as persons who claimed to be either candidates or voters. A question might be raised upon it; namely, had the petitioners a right to vote? which question they wished to raise by their petition. If the House should be of opinion, that their petition was an election petition, they had nothing to do but to leave it to the usual course of such petitions; but if they should be of a contrary opinion, the House ought to have the petition entered as read, and then some member could move to discharge the order made upon it, and treat it as a mere ordinary petition.

The petition of certain inhabitants of the borough of Athlone was then delivered in and read, setting forth,

"That, notwithstanding that by the constitution of the charters of Athlone, by law and by the express rules of justice, by law and by the sound principles of the constitution, there should have been present at the election of a member of parliament for the borough of Athlone, the whole and every of the burgesses, unless proof made in open borough court of indisposition, or other necessary cause of absence, yet the same has not only been studiously avoided at the late borough court for electing a member to represent the petitioners and fellow townsmen in parliament, but the commonalty have been excluded, and the necessary notices not posted, nor the rules or regulations required by law complied with, but on the contrary, the election was held by subterfuge, and under the most peculiar and unconstitutional degree of injustice; that, therefore, petitioners humbly submit to the House, for the reasons aforesaid and herein stated, that Richard Handcock, esq., has been unduly and unfairly returned, in direct violation of the constitution and of the established law of the realm, and, in particular, of the laws, rules, and regulations for regulating borough elections in Ireland, inasmuch as four days' notice should have been given, in the most public manner, signed by the returning officer upon the receipt of two precepts from the sheriffs of the counties of Westmeath and Roscommon, to each of which counties the precincts of the borough extends; whereas the election was held upon one precept, and without any returning officer legally appointed, and without the necessary number of burgesses required by law having been present at such elections; and, above all, petitioners humbly submit to the House, that as the corporation of Athlone has been long in part defunct, and the corporate body having died a natural death, and ought to be dissolved, as will appear by the corporation books when laid before a committee of the House, with other substantial incontrovertible proofs, and also by the returns signed and filed in the Hanaper-office, Dublin, of Mr. Kerr's return the election before last, and of Mr. Handcock's return at the late assumed election; that the House will not permit a member returned not only unconstitutionally but unfairly, and in direct violation of the laws, to sit in the House as representative for Athlone, and whose vote might perhaps be calculated to form a majority on an important question upon which the salvation of Great Britain might depend; wherefore petitioners humbly implore the House to try and inquire, by the production of the corporation books, of copies of the returns in the Hanaper-office, Dublin, and by the examination of witnesses, whether the said Richard Handcock is constitutionally, fairly, or legally, returned or not; and if it

appears that he is not, the petitioners humbly expect that the House will order new writs to issue to the sheriffs of the counties of Westmeath and Roscommon, and that petitioners may be entitled to their valuable privileges, the right of freedom of election."

Mr. *Wynn* said, that he had before stated the rule of the House, and the law of the country on all cases, like the present. Such petitions by law could only be received from those who were candidates at the election, or from those who claimed a right to vote for them. That was the rule of parliament, and indeed the law of the land, until the time of the Grenville act. The right of petitioning was thrown open by that act to all persons. Considerable inconvenience, however, being found to arise from the practice, the former rule was revived. In all points relating to the reception of petitions, it was the duty of the House to lean to the side of the petitioners; but, in cases like the present, the words of the act were imperative, and the House was bound to abide by them. There was one point to which he wished to call the attention of the House; and that was, that any decision to which they might that night come was not final, and that the election committee to which it might be referred would have the power of deciding whether it came under the head of an election petition or not. He needed only to refer to the decision in the Nottingham case; where, in the middle of the trial, it was discovered that the petitioners who had described themselves as freeholders of the town and county of Nottingham were not such, and therefore were not entitled to vote for the election of members for the said borough. If the House were to send to an election committee the present petition, not being such as an election committee could take cognizance of, it would be making a heavy infliction on both parties, owing to the expenses which they would have to incur in bringing their witnesses to England. He mentioned that circumstance, in order to show that the course which it ought to follow was chalked out by the act of parliament, and that there was nothing in the particular features of the case to induce it to transgress that course. Now, from the petition itself, it did not appear that the petitioners were electors. They did not say that they themselves had a right to vote—all that they said was, "that at the election of a member of parliament for the borough of Athlone, the whole and every of the burgesses should be present." They did not even claim to vote at the late election, unless such an inference could be drawn, which he thought could not, from the concluding sentence of the petition:—"The petitioners humbly expect that the House will order new writs, to issue to the sheriffs of the counties of Westmeath and Roscommon, and that petitioners may be entitled to their valuable privileges, the right of freedom of election." He submitted to the House, that this petition could not be considered as an election petition. If the House thought that, under particular circumstances of the case, some indulgence ought to be extended to the petitioners, it could extend the time for receiving their petition beyond the usual term of fourteen days; and could give them, but them only, the right of presenting another petition against the return, within a certain limited time.

Mr. *Goulburn* contended, that it was evident, from a former petition presented by the individuals whose names were subscribed to this petition, that they did not claim a right to vote at the last election. He therefore thought that the order made on the petition ought to be discharged.

Mr. *Hume* thought it only fair that time should be allowed to the petitioners to amend their petition.

The order was then discharged; and Mr. Wynn gave notice, that he would to-morrow, move for an extension of time, in order that the petitioners might have an opportunity to amend their petition, by stating in what capacity they came before the House.

Private Bills Committees.] Mr. *Littleton* rose to move the resolution, directing that any individual who appealed from the decision of a committee on a private bill, should, in the first instance, deposit the sum of 500*l.*, to meet such costs and expenses as might ultimately be awarded by the select committee, which he had felt it his duty on a former evening to withdraw, in consequence of the request of several honourable members. He now meant to move this resolution in substance; but, with such an alteration, as would, he trusted, remove the objections that were urged against it. He here thought it right to state, that a precedent

for the principle on which this resolution was founded existed in the uniform practice of that House, which made it imperative on every parliamentary agent to deposit a certain sum with the proper officer for the payment of fees; the amount of which fees was, after the case was disposed of, settled by the House. In his view of the subject, the whole system which he wished to introduce would be completely useless, unless such a security as that which the resolution set forth were given. It was his firm conviction, that it would effectually prevent frivolous and vexatious appeals against the decision of committees on private bills.—The hon gentleman concluded by moving,

"That the party or parties complaining, or their agents, shall, previously to the balloting for such select committee, deposit with the clerk of the fees the sum of 500*l.*, for the payment of such costs as may be awarded against him or them; and shall, at the same time, sign a note in writing, declaring that the whole or any part of that sum, shall be paid in such manner as the select committee shall adjudge."

Mr. *G. Bankes* observed, that a great part of the argument against the resolutions of the noble member for Northamptonshire (lord Althorp), with respect to bribery at elections, on a former evening, turned on the right of the House to award costs; and he could not easily divide the two cases. In his opinion, the final decision with respect to costs should not be left with the committee; and therefore he thought it would be right, supposing the House to be favourable to the resolution, that these words, "unless the House should otherwise direct," or words to that purport, should be added. By this alteration an opportunity would be given to the House to remedy any wrong, or to rectify any error, in the adjudication of costs, which might be committed by the select committee. He was aware that this ultimate appeal to the House might occasionally take up a considerable portion of their time; but it appeared to him, that the interests of justice required such a course.

Sir *T. Acland* said, he would not, as some gentlemen had done, condemn *in toto* committees on private bills. He believed, generally speaking, that substantial justice was administered by those committees. They frequently forwarded matters which tended greatly to the public good, and decided with the least disadvantage to adverse parties, whose interests were affected by particular measures. Cases, however, had occurred, in which misconduct was apparent; and therefore he was friendly to a court of appeal, before which persons complaining of being aggrieved might be heard. At the same time, he thought it was absolutely necessary that some security should be given, to prevent frivolous and vexatious complaints from being preferred.

Mr. Secretary *Peel* said, that, on the whole, he thought great benefit would result, if the House laid down some specific rule, in accordance with which an appeal might be made against the decision of a committee, instead of leaving the matter in so indefinite a shape as the present resolution did. The resolutions, generally, went to purify the constitution of committees; and therefore appeals were likely to be less numerous than they otherwise would be. But he hoped, if it appeared that injustice had been done to an individual, that he would not be debarred from redress because he could not put down 500*l.* A poor man ought to have liberty to say. "It is true, I have not 500*l.* to advance; but I will state my case to the House, and call on them to do me justice." The House ought to reserve to itself the right of doing justice to an individual, in any stage of a private bill.

Mr. *Calcraft* felt the proposition for a deposit of 500*l.* to be most objectionable. It would be adding materially to the difficulties which poor people had to encounter, in procuring justice from a committee. Be the case of oppression what it might, it was quite clear, that unless the appellants possessed considerable resources, they could not obtain justice at the hands of a committee. After having been defeated before one committee and incurred great expense, persons feeling themselves aggrieved could not come before this new tribunal without depositing 500*l.* He had but little expectation that benefit would be derived from the resolutions; and he thought that, in receiving them, the House had suffered the conduct of private-bill committees to be greatly overcharged. From his own experience of those committees, he was convinced that justice had generally been done by them. It seemed to be supposed, that there was at present no appeal from the decision of a commit-

tee. But there was an appeal to the House; and they had seen instances in which, when the committee up stairs was mistaken, the case had been set to rights by the House. That he conceived to be a far better tribunal than the new one devised by his hon. friend. He thought this deposit of 500*l.* should be given up altogether, and that the parties who alleged that they had suffered wrong should appeal at once to the House. He would recommend his hon. friend to suffer the other resolutions to be carried into effect; and, when he saw how they worked, he might, if he thought proper, introduce a bill, enacting that appellants should enter into recognizances, which would be a much better mode, than that of calling on individuals to put down the sum of 500*l.*

Mr. *G. Lamb* said, his doubts as to the legality of calling on appellants to put down 500*l.*, out of which costs were to be awarded, were removed by the satisfactory precedent which had been adduced by his hon. friend. He should vote for the resolution; because the very existence of an appeal committee argued the necessity of its having the power to award costs.

Mr. *Littleton* was of opinion, that a deposit ought to be required generally, leaving it to the House to depart from that practice in any particular case, if they thought fit. If, however, the House would consent to adjourn the debate to a future day, he would in the interim reconsider his resolution, and endeavour to make such alterations as would obviate the objections which were made to it in its present shape.

The debate was accordingly adjourned to the 15th of February.

HOUSE OF COMMONS.

Tuesday, December 5.

DISTRESS OF WEAVERS IN SCOTLAND —EMIGRATION.] Lord *A. Hamilton* presented a petition from the Weavers of Glasgow, and of the county of Lanark, representing their extreme distress, and praying for relief. The noble lord observed, that it was exceedingly painful to him to read the description of the state of destitution, hopelessness, and helplessness under which the weavers of the county which he had the honour to represent were suffering; knowing, as he did, how accurately that description conformed to the melancholy facts of the case. Many of them, they said, were without any employment at all. That he knew to be the case; and that of course they were in utter want, and suffering absolute starvation. They said that most of them had worked for fourteen or sixteen hours a day, and at the end of the week earned only six, five, and some as little as four shillings and sixpence. That he also knew to be the fact. It was further stated by the petitioners, that in consequence of their necessities they were destitute of decent clothing, and were thereby prevented from attending divine service. Their representations on this head, so far from being exaggerated, to his knowledge, fell short of the truth. The families of the weavers were crying to them for bread, which they were unable to give: how then was it possible that they could afford clothes? He knew many worthy and honest men among the weavers, who lamented this circumstance, with reference not only to the present calamity, but to the evils which it would entail upon their offspring, whom they could not send either to schools for education, or to places of divine worship, and who would therefore lose every opportunity of becoming imbued with those right principles which alone could safely guide them in their progress through life. He declared that he had not overstated the case of by far the larger portion of the petitioners. The prayer of the petition would make good his assertion; for what did it ask? It did not ask for charity; but, feeling their utter helplessness and hopelessness, the petitioners asked for that which was the punishment of crime—exile: they asked for the means of emigrating from their native land. That of itself spoke volumes as to the actual sufferings which they were enduring. Indeed, they were too evident to admit of any contradiction of the statement. His object was to ask the House to permit the petition to lie on the table, in order that the case of the petitioners might be before every one; and, having done that, he had done all that he could do. His hope was, that some opinion would be now expressed upon the subject by his majesty's ministers, as the case was growing worse and worse every day for the sufferers. The subject was of the most general interest to the country, but more especially was it of importance to that portion of the community in whose behalf he presented the

petition. He must now allude to the large number of Irish, who emigrated every year to the western parts of Scotland. It might fairly be said, that it was by the weight of these Irish emigrations, that the unfortunate Scotch were obliged to resort to England for employment. He begged the House not for a moment to suppose that it was his wish to question the right of the Irish to go wherever they might think proper, but it was evident that in proportion as they turned out large numbers of the Scotch from employment, in the same proportion must the Scotch resort elsewhere. The state of destitution in which the lower orders in Ireland had long been left, and in which they now continued, had arisen from the misgovernment of that country. It was a permanent evil, and deeply affected Scotland, by causing such an influx of destitute Irish into that country. Even emigration was not at all likely to be of any permanent benefit to Scotland, unless some means were devised of checking the Irish from flowing into that country, and filling up the void. He had lately seen an account of a meeting of the magistracy of Cork, the result of which was a resolution, that a portion of the Irish should be invited to go over to England, and that the proprietors of steam boats should be requested to give them a passage gratis. This measure had been adopted upon the vague notion, that trade was reviving in some degree in the latter country. If there were means of putting the Irish in a better situation than that in which they now were, and for a long time had been, perhaps these unfortunate Scotch would not be under the necessity of making any such demand as that stated in the petition. The Glasgow and Strathaven weavers had associated themselves, under the notion that they would be permitted to go out in a society. The bonds of affection and the ties of kindred would not then be severed, and the pain of separation from friends, from country, and from the early associations of life, would be mitigated. But he feared that such an arrangement, however, in some respects desirable, could not be made. As the petition asked for the pecuniary means of emigration, he was aware that it could not be received, except by the consent of the ministers of the Crown. He trusted the petitioners would receive that consent; especially if it were clearly understood that such a consent would not be misconstrued into any pledge to grant the prayer of the petition.

Mr. Secretary *Peel* said, that the noble lord, in bringing forward the petition, had expressed himself in a manner which reflected the highest honour upon his feelings, and which was most creditable to him as the representative of the district in which the distress existed. He could assure the noble lord, that he participated fully in his sympathy for the sufferings of the petitioners. There was no part of the empire, in which distress had been deeply and for any length of time experienced, where the people had evinced a more laudable conduct than in the part of Scotland from which this petition proceeded. Their sufferings had been borne without leading them to deviate from the most exemplary conduct, or to forfeit their high character, although the sufferers were in a very humble sphere of life. It was not possible for more patience and forbearance to be evinced, than had been manifested by these unfortunate people; and he gave this opinion, from having had frequent opportunities of ascertaining their sufferings and of observing their conduct. He well knew how imperfect were sources of private information in cases like the present; but, since the last session, a single week had not passed without his having been in constant communication with the committee now sitting in the country upon the subject. That committee had devoted its attention to the subject, in the most exemplary manner. It had used its most zealous exertions to mitigate the sufferings in that part of Scotland. The noble lord's proposal was, to present a petition, praying for a grant of public money; and he had very properly observed, that the consent of the Crown was necessary to the reception of such a petition by the House. He hoped that the House would not be disposed to enforce its regulation strictly in this particular case. Although the petitioners did in effect pray for a grant of public money, they rather called the attention of the House to a public measure, for which a grant of public money was necessary. He was not quite sure whether this was not a public petition, or that the consent of the Crown was necessary. Were such a consent essential, he should be very unwilling to refuse it. At the same time, he felt peculiarly anxious, that

what he said might not be misconstrued, so as to excite false notions, that granting the consent of the Crown implied an opinion in ministers, that any good could result to the petitioners from receiving their petition. He should not enter upon the policy or effects of emigration, no notice whatever had been given of an intention to discuss the subject; and to go into it at present, would, he thought, be premature. Emigration involved many subjects of the utmost importance, and the interest was much enhanced by the present state of the country. A committee had been appointed in the last session to sit upon the subject, and their report, and the evidence they had put forward, contained a mass of valuable information. It concluded with a recommendation, that another committee should be appointed in the present session to consider some parts of the subject which had been imperfectly considered in the previous inquiry, as well as to suggest some definite plan on which a system of emigration should be adopted. He might observe, that no plan of emigration could be carried into effect before the ensuing month of May. The result of the evidence before the former committee was, that autumn was the best period. He hoped that the Under Secretary of State for the Colonies, after the recess, would propose the appointment of such a committee. It was necessary to inform those individuals from whom the petition came, that emigration would afford them no material relief. It was necessary that precautions should be taken in the colonies to insure proper accommodation for the parties who arrived. To ship off ten or twenty thousand men to Upper Canada, incapable of adopting agricultural pursuits, would inevitably lead to their extreme misery. It would be necessary, previous to their arrival, that lands should be located, roads made, and other measures adopted; or the situation of the emigrants would be most calamitous, and the sufferings of which they now complained greatly aggravated. It was also necessary, whenever any plan was to be carried into effect, that there should be a judicious and discriminating selection of the individuals to be sent out. Those very parties that might be the greatest objects of sympathy, on account of their sufferings, might, from other causes, be of all others the most unfit for emigration. A man might be unable to support himself in a manufactory from extreme age or a debilitated constitution, and yet would be a most unfit object to select for emigration. It would be necessary to select only those who were capable of availing themselves of those resources which would be alone open to them, after they had arrived in the colony. He thought it right to make these observations, to put the matter in a proper point of view, and to prevent his consent to the reception of the petitions being misinterpreted. He was anxious not to encourage false hopes, at the same time that he would be sorry to damp legitimate and reasonable expectations. It was not his intention to object to the petition's being received and referred to the committee of emigration when appointed; but he trusted the parties in question would not, through the indulgence of fallacious expectations, neglect to seize such other favourable opportunities as presented themselves for their relief.

Ordered to lie on the table.

JOINT STOCK COMPANIES—UNCERTAINTY OF THE LAW—PETITION OF THOMAS PARKIN.] Mr. *D. W. Harvey* said, he rose to present a petition upon a subject of all others the most open to confusion; he meant the uncertainty of the law. The petition was very appropriate to the present occasion, as it had some reference to the Joint-stock companies, the subject of which was about to be brought before the House. The petitioner stated, that he had been employed as the secretary of one of the most solid and substantial Joint-stock companies; namely, the National Stone Way Company. Having performed his duty, the petitioner could not get his salary paid, and he therefore attached some property or funds of the company in the hands of the City bankers. The banker having refused to pay this money, the case had been brought before the City court, and the recorder of London had nonsuited the petitioner, on the ground that a company existed, of which the money attached was a part of the property, and ought to have been attached as the property of the National Stone Way Company. The petitioner, therefore, brought an action against the bankers, in the court of King's-bench, when he was defeated on just the reverse grounds; namely, that the company was,

in point of law, no company at all. He wished the petition to be referred to the committee that might grow out of the motion to be made that night, upon the subject of Joint-stock Companies.

The Petition was then read as follows:—

"To the Right Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled: the humble Petition of Thomas Parkin, of No. 14, Poultry, Secretary to the National Stone Way Company,

"Showeth—That your Petitioner is Patentee for a method of laying down oblong granite stones, in streets and on roads, for the wheels of waggons and carriages to run on; the adoption of which, in consequence of the diminution in friction, would much advance the commercial prosperity of this Kingdom. That, in April, 1825, a Prospectus was issued preparatory to the formation of a Company to carry this national object into effect. That, in May following, a Public Meeting was held at the George and Vulture Tavern, in Cornhill, for the purpose of forming the said Company. That, at this Meeting, your Petitioner acted as Secretary; that various Resolutions were then proposed, and unanimously adopted, amongst which are the following:—

"'That a Company be now formed for 'the purpose of carrying into effect the 'objects set forth in the Prospectus: that 'a Committee for conducting the affairs 'of the Company, *pro tempore*, be appointed: that the Committee consist of 'the following Gentlemen, Subscribers to 'the Company, with power to add to 'their number [the names here follow]: 'that a deposit of 1*l.* per Share, and 5*s.* 'per Share to the Patentee, be paid into 'the hands of Messrs. Fry and Chapman, 'bankers, *ad interim*, to whom the Secretary's letters announcing the allotment, 'must be delivered as their authority for 'receiving the money on account of the 'National Stone Way Company: that 'Messrs. Fry and Chapman be empowered 'to pay cheques or drafts, signed by three 'Members of the Committee, and countersigned by the Secretary and the 'Solicitor.'

"That the Company being so formed, the Committee proceeded to carry its object into effect; that your Petitioner, as Secretary to the Company, officially transmitted to Messrs. Fry and Chapman a copy of the aforegoing Resolutions; that an account was opened in their books under the title of 'the National Stone Way Company;' that deposits to a considerable amount were paid into their hands, under the authority of letters signed by your Petitioner, announcing the allotment of Shares, and placed to the credit of the National Stone Way Company; that two checks, hereinafter mentioned, were drawn upon, and paid by, the said Bankers, by virtue of the signatures of three members of the Committee, and those of your Petitioner, as Secretary to the Company, and Mr. A. K. Hutchison, as Solicitor; that your Petitioner continued to act as Secretary to the Company for the space of six months, but could not any longer so act, because the Committee, most unjustly, refused to pay him any thing for his services; that, in consequence of such refusal, he attached the amount which might reasonably be considered as due to him in Messrs. Fry and Chapman's hands, as the property of the Committee acting for the Company, and in whom the control of the money had been vested; that Messrs. Fry and Chapman resisted the attachment, on the ground that the money was not the property of the Committee, but of the persons who had paid it into their hands, and who composed the Company—in support of which defence they proved by a clerk, that the money had been placed in their books to the credit of the National Stone Way Company; that the Learned Recorder held the objection to be good, and decided, that as the money was the property of the Company, and had been placed to the credit of the National Stone Way Company in the books of the garnishees, the attachment could not be maintained; that your Petitioner, thus defeated on the ground that the money should have been attached as the property of the Company, and not that of the Committee, applied to Messrs. Fry and Chapman to furnish him with the names of the persons who had paid the money into their hands, in order that he might lay his attachment accordingly; but this Messrs. Fry and Co. refused to do.

"That your Petitioner, thus circumstanced, was advised to bring an action against Mr. Wm. Fry, the principal partner in the said Banking-house, and a

Shareholder in, and a Member of, the Committee of the said National Stone Way Company, in order to recover from him, individually, unless he should plead in abatement, the amount due to your Petitioner for his services as Secretary to the Company, and for those of his son (a minor), as a necessary assistant in the Company's business, and the respective sums of 8*l.* 10*s.* which he had paid for printing the prospectus of the Company, and 2*l.* 10*s.* for postage and other expenses which he had incurred in prosecuting the Company's business; that the defendant did not plead in abatement, and therefore the action proceeded against him, as a matter of course.

"That the action was tried at Guildhall, on the 24th ult. before the right hon. sir Charles Abbott, Knt. Lord Chief Justice of his Majesty's Court of King's Bench, and a Special Jury, moved for by the defendant; that at the trial, the Prospectus, which sets forth that the Company were to act under a patent granted to your Petitioner, the plaintiff in the cause, and that 5*s.* per share were to be allowed him as Patentee, and a printed copy of the Resolutions, passed at the public meeting, held in May, 1826, already alluded to, were put in and read in evidence; that it was proved by Mr. George Nelson that he attended the said meeting; that your Petitioner acted as Secretary thereat; that he stated that for all his services up to that time (although he had been occupied several months in that capacity, in taking the necessary preliminary measures for the formation of the Company), he should make no charge, and that the Company would, consequently, commence without any expense but that of printing the prospectus, and of sundry advertisements; that it was proved by the Minute Book of the Company, that the defendant, Mr. William Fry, was added to the Committee on the 6th June following; that he attended a Meeting of the Committee on the 23rd of that month; that at the said Meeting, your Petitioner, the Secretary to the Company, submitted certain propositions for the approval of the Committee, intended to be made to Mr. Deputy Routh, on behalf of the Commissioners of Sewers, for paving, on the Company's plan, one of the streets of the City; and that the Committee approved of those Resolutions, and instructed your Petitioner, as their Secretary, to transmit them to Mr. Routh, and to call another Meeting of the Committee when to your Petitioner it should seem necessary; that it was also proved from the Minute Book that the Committee of the said Company in July following resolved on despatching your Petitioner to Jersey, Guernsey, and Devonshire, in order to procure supplies of granite stone, and to enter into treaties for quarries on the Company's account; that they advanced him by a check on the house of the defendant, 20*l.*, on account of his travelling expenses, and at the same time paid him another check upon the said bankers (and which are the two before spoken of) for 144*l.*; being his remuneration, as patentee, of 5*s.* per share, as provided for by the Prospectus, and the Resolutions of the Public Meeting hereinbefore mentioned, on the number of shares upon which the deposits had been paid into the said Banking-house; that 5*l.* more was remitted by the Solicitor to the Company to your Petitioner, on account of his travelling expenses, while he was at Plymouth, making in all 25*l.*; and that the amount of his travelling expenses on these voyages and journey was 25*l.* 14*s.*—admitted by the defendant's counsel and the Lord Chief Justice, to have been exceedingly moderate; that Mr. Liscombe Price, a Member of the Committee, fully confirmed the evidence adduced from the Minute Book; and further proved, that the defendant, Mr. Fry, not only attended the Meeting of the Committee on the 6th June, and voted at the Board, but that he, the defendant, moved on that occasion, that your Petitioner, who then, as at all other times, except when absent on the Company's business, acted as Secretary, 'should call another Meeting of the Committee when to him should seem fit;' that Mr. Price further proved, that your Petitioner was unremitting in the discharge of his duty; that the Committee resolved on sending him a second time to Jersey and Guernsey; that he was instructed by the Committee to wait upon, and to enter into negotiations with, various Public Bodies; that he himself had accompanied him to one of those Bodies; that the Committee were perfectly satisfied with the zeal, ability and frugality which he evinced in the Company's service; that for his services he was entitled, in his (Mr. Price's) opinion,

to at least 20*l.* per month, and to 30*s.* per week for the assistance of his son; and that the 5*s.* per share was not paid to your Petitioner as a reward for his services as Secretary to the Company, but as the remuneration stipulated for him, as Patentee, for granting to the Company the use of his patent; that Wm. Baker, esq. (your Petitioner's attorney in this action), who is Clerk to the Trustees of the Commercial-road, proved that your Petitioner, as Secretary to the Company, had frequent interviews with him and the said Trustees upon the subject of laying down stones, upon the Company's plan, on the Commercial-road; that at length terms were agreed upon; that he drew out an agreement, and sent it to your Petitioner for the approbation of the Committee; that it was returned to him by the Solicitor to the Company, as having been approved of by him on behalf of the Committee; that he (the witness) had himself been Secretary to a similar Company for five months, while forming (another Gentleman having acted as Solicitor), and that for such services he had been paid 250*l.*, besides 50*l.* for expenses; that Mr. Nathaniel Bliss proved that in January last, your Petitioner paid him 8*l.* 10*s.* for printing the Prospectus of the Company.

"That the defence to the action was, that no Company had ever been formed; that, if one had been formed, it was your Petitioner's own Company; that the Committee might, with the same propriety, sue your Petitioner for their services as he them for his; that the Company was set up for the plaintiff's own benefit; that there was no evidence that your Petitioner had been employed by the defendant; and that the plaintiff had been paid 5*s.* per Share, for acting as Secretary to the Company.

"That the Lord Chief Justice said, 'that no Company had ever been formed; that the plaintiff undertook the journeys (the expense of which had been paid to him in two respective sums of 20*l.* and 5*l.*) to promote their joint object; that he acknowledged the wisdom of the defendant's Counsel's observation; that the Committee might, with the same propriety, sue the plaintiff for their services as he them for his; that the plaintiff had been paid 5*s.* per share for acting as Secretary to the Company; and that there was nothing to show that your Petitioner had been employed by the defendant, and that, therefore, there was no ground for the action,' and non-suited your Petitioner.

"That your Petitioner being advised that a case was fully made out to go to the jury, and that if it had gone to them, a verdict must, according to the evidence, have been recorded for him, moved the Court of King's Bench, on the 13th inst., for a rule to show cause why the verdict should not be set aside, and a new trial had, upon the ground that a case was fully made out to go to the Jury.

"That on this occasion his Lordship said, 'In this case, as for Company, there was none; but those persons had assumed to themselves the title of The National Stone Way Company; it appeared to him that the plaintiff had no claim; this was a scheme of the plaintiff's own, set on foot for his own benefit, in order that he might have his Patent adopted. There was no ground for saying that the defendant had employed the plaintiff, and upon that ground the plaintiff was nonsuited. He saw no ground for setting aside that nonsuit;' and the rule was refused.

"That your Petitioner begs humbly to submit to your Honourable House the Resolutions passed at the Public Meeting in 1825—the account opened at the Bankers' under the title of the National Stone Way Company, and the two payments made to your Petitioner—the one for the grant of his Patent for the use of the Company, and the other for his travelling expenses on the voyages and journey which he was instructed to undertake on the Company's account, are proof of the existence of the Company; and that, therefore, the Lord Chief Justice, with all due submission, had not the slightest ground, either in law or equity, for saying that, 'in this case, as for Company, there was none.'

"That to be nonsuited by the Recorder, because there was a Company, and because the Company, and not the Committee of the Company ought to have been sued; and to undergo the same ruinous process by the Lord Chief Justice, because there was no Company, exhibits such an instance of discordancy in legal decisions, as is, your Petitioner hopes, for the honour of the country, without a parallel; and which, besides involving the unfortunate victim of such discordant opinions in utter ruin, must tend, unless a remedy be applied to the evil, to bring our Courts of Judicature into derision and contempt.

"That your Petitioner is wholly at a loss to conceive what motive could have induced the Learned Chief Justice to assert that there was no Company, unless it were to extricate the defendant from the situation in which he was placed by not having pleaded in abatement; for certainly, had the Company described in the declaration in the proceedings never existed, no plea in abatement could have been made; and, as the defendant could not be the National Stone Way Company, the plaintiff who declared against him as such must necessarily be nonsuited.

"That his Lordship, notwithstanding his twice-repeated assertion to the contrary, did, to all intents and purposes, as your Petitioner humbly submits, admit the existence of the Company, inasmuch as one of the grounds assigned for the nonsuit was, that your Petitioner had been paid 5*s*. per Share for acting as Secretary to the Company.

"That the Lord Chancellor has decided that all unchartered Companies are nothing more than common partnerships, and that every Shareholder or Partner in them may be sued individually for every claim on the Company.

"That the City Court of Requests, grounding their judgment expressly on such decision of the Lord Chancellor, lately condemned Mr. A. K. Hutchison, Solicitor to, and a Shareholder in, this very Company, to pay 4*l*. 15*s*. for the engraving which forms part of the Company's Prospectus.

"That, consequently, the decision of the Lord Chief Justice of the King's Bench is not only at variance with that of the Learned Recorder, as already demonstrated, but directly opposed to the highest Legal Authority in the Realm.

"That the assertion of the Lord Chief Justice, that your Petitioner undertook the voyages and journeys above described to promote the joint object of himself and the Company, was not only unsupported by any proof that your Petitioner was a Partner in the Company, the reverse being the fact, but was in direct opposition to the evidence of the Company's Minute-Book, and the testimony of Mr. Price, who distinctly proved that the Committee instructed your Petitioner to undertake the said voyages and journeys on the Company's account, and at the Company's expense.

"That equally unaccountable is a further assertion of his Lordship, that the Committee might with equal propriety sue the plaintiff for their services as he them for his, there not having been a tittle of evidence adduced, as above stated, to show that your Petitioner was a Partner; whereas, all the evidence clearly demonstrated that he was only a servant of the Company, and never could have participated in its profits.

"That the third assertion of the Learned Judge, 'that your Petitioner had been paid 5*s*. per share for acting as Secretary to the Company,' cannot be spoken of but with the utmost astonishment; for not only is such assertion diametrically opposed to the evidence which the prospectus and the printed resolutions furnished at the trial, it being expressly stated in these documents that this 5*s*. per share was to be paid to your Petitioner as Patentee, but to that given by Mr. Price, who swore most positively that this payment was not made to your Petitioner for his services as Secretary, but for granting the use of his Patent to the Company—the amount of which, your Petitioner craves permission to add, was scarcely sufficient to pay for the Patent.

"That the fourth assertion of his Lordship, 'that there was nothing to show that your Petitioner had been employed by the defendant, was equally opposed to the evidence; for the Minute-book proved, that the defendant attended and voted in the Committee; and Mr. Price proved that on the occasion in question your Petitioner acted as Secretary, and that it was the defendant himself who moved that your Petitioner, 'the Secretary, should call another Meeting when to him should seem fit;' so that, by this act, it was incontestably brought home to the defendant that he had personally employed your Petitioner, and as incontestably established that he identified himself with the other members of the Committee as the employers of your said Petitioner; but had the defendant not made the motion in question, nor even been a member of the Committee, it is contended, with all due deference, that he was, as a Shareholder, one of your Petitioner's employers; for the Committee were appointed by the Shareholders, or Company, to conduct their concerns; and it was abundantly proved in evidence, that the Committee had employed your Petitioner, by instructing, commanding, and directing him to do what to them seemed

best calculated to promote the interests of the Company of which they were the guardians.

"That your Petitioner cannot possibly understand, even had he failed in establishing his claim on the defendant for his services as Secretary to the Company, how such failure could be a bar to his other claims, viz. those for his son's services, and for the 8*l.* 10*s.* for printing the prospectus; nor, consequently, how the Chief Justice could declare that there was no ground for this action; for your Petitioner humbly contends, that if the action had been brought for this 8*l.* 10*s.* only, the said sum having never been paid to him, a verdict must have been recorded in his favour, unless the doctrine laid down by the Lord Chancellor, before alluded to, and the common law of the land, regarding partnerships, could have been shown to be at variance with some written Statute. Indeed, upon the principle upon which the Committee had paid your Petitioner the two sums of 20*l.* and 5*l.* respectively, on account of his travelling expenses to Jersey, Guernsey, and Devonshire, on account of the Company, he humbly submits that he ought to have been paid all other expenses incurred on the same account also; and that, therefore, his claim for the 8*l.* 10*s.* furnished, of itself, a case to go to the Jury.

"That, aside from the above considerations, as the declaration in the proceedings sets forth that your Petitioner's claims were touching the National Stone Way Company, of which the defendant was a Manager and a Shareholder, your Petitioner, with all due deference, further contends that the Learned Judge had no right, as the defendant had not availed himself of his privilege of pleading in abatement, to require any proof that the defendant had, individually, employed your Petitioner; and that in the face of the evidence of the existence of the Company, of the Committee having been appointed to conduct the Company's concerns, and of the Committee having been, as the representatives of the Company, your Petitioner's employers, the case, upon all his claims, ought to have gone to the Jury.

"That your Petitioner, with the utmost deference to your Honourable House, states, that he can see no ground on which the Lord Chief Justice could justify his assertion, 'that these persons had assumed to themselves the title of the National Stone Way Company,' and make the assumption of this, or any other title, a ground for the nonsuit, inasmuch as there is no law to prevent a number of persons from trading together under any style or title they may think proper to use; and as persons assuming similar titles have been, and may be, sued both at law and in equity.

"That your Petitioner, with equal deference, contends that his Lordship altogether overstepped his duty, by declaring, without any qualification, in the face of your Petitioner's acknowledged care of the Company's funds, and in the absence of all evidence of there having ever been entertained the slightest suspicion, or of any insinuation even having ever been thrown out, that he sought to benefit himself at the Company's expense, 'that this was a scheme set on foot for the plaintiff's own benefit, in order to get his patent adopted; for it was proved that his patent, by a solemn contract entered into between him and the Company, was adopted before the Company began their operations; and therefore all his subsequent services as Secretary could not have been given in order to get his patent adopted.' Your Petitioner therefore humbly submits, that, as invention is property, he had a right to make this contract, without being liable in any action that might arise on a matter unconnected with it, to be non-suited on the ground that he had exercised this unquestionable right.* But if his lordship meant to say, as it is to be presumed he did, that because your Petitioner had exercised this right, and got his patent adopted, he had no claim for his services as Secretary, he most humbly begs to represent to your Honourable House, in the strongest light, the extreme injustice of such a conclusion; for it may be asked, under what obligation could your Petitioner be, to become the servant of the Company either during the time of his natural life, or for a shorter period, because he had granted them for a defined equivalent the use of a certain property of which he was possessed, unless it could be shown, which was not even attempted to be done, that with his property he had sold his services too for the sum of 144*l.*?

"And that your Petitioner begs, lastly, humbly to submit to your Honourable House, that whilst the City Court of Re-

quests, founding their judgment upon the Lord Chancellor's decision, as above stated, compelled one of the Shareholders in this Company to pay for the engraving which forms part of the Prospectus, the Lord Chief Justice of the King's Bench exempts another Shareholder in the same Company from paying the printing, which forms the other part of the same Prospectus.

"Your Petitioner, therefore, humbly prays your Honourable House to take his case into your consideration, and to afford him that relief which will save him from the ruin in which the nonsuit above described has involved him; and to be permitted to prove, at the bar of your Honourable House, either by himself or by Counsel, the allegations set forth in this Petition. And your Petitioner, as in duty bound, will ever pray."

Ordered to lie on the table.

Joint Stock Companies—Arigna Mining Company—Mr. Brogden.] Mr. Alderman *Waithman* said, he laboured under considerable difficulty in bringing forward the motion, of which he had given notice for that evening. If he had to bring forward a motion upon which honourable gentlemen present could feel no observations personal to themselves, he should feel no such difficulty; but he felt it impossible to enter upon this subject without making allusions and remarks which must not only be felt by honourable members themselves, but also create a considerable sensation in the minds of their friends. He wished it, however, to be understood, in the outset, that in the observations which he should feel it his duty to make, it was not his intention to confine himself to one individual, or any number of individuals. And here he begged to set himself right in the opinion of the House, with respect to an hon. gentleman opposite, as he felt that he had not been fairly dealt with in being called upon to come forward with a specific charge against that hon. gentleman (Mr. Brogden). Indeed, he felt that, upon a subject of such magnitude, it would be invidious to bring a direct charge against any particular member of that House. The only reason why he alluded more especially to the hon. gentleman was, because he had, for some time, held an important office in the appointment of that House, and because he was again to be proposed to fill it. Feeling this, and knowing from public report that the hon. gentleman had been connected and mixed up with several companies of a questionable nature, he thought an inquiry ought to take place previously to his re-appointment to his office. But his views did not rest here. He looked higher: he wished to have the whole question of Joint-stock companies inquired into, both as they regarded the interests of the public, and the interests, and honour, and character of that House. It was with this view, and with this view only, that he meant to bring the general question under the consideration of the House.

In looking to the circumstances which had taken place within the last two years, it was impossible, even for the most clear-sighted persons, to form more than an imperfect idea of what had been done; indeed, many honourable members were, up to that moment, ignorant of the extent and variety of the transactions, with respect to Joint-stock companies, which had taken place within that period. Gentlemen who resided for the most part of the year in the country, and young members who had not turned their minds to the subject, would be surprised to learn, that, in the course of the last two or three years, no less than six hundred Joint-stock companies had been set on foot, requiring a capital of 300,000,000*l.* and upwards, to carry them into effect. Now, he spoke rather confidently upon this subject, as he was not without authority for his assertions. The House must be aware, that an inquiry, such as that into which he had been obliged to enter, could not have been made without much labour, in order to find out the different companies, the directors, and managers of them; their various objects, the deposits paid upon them, the premiums to which they had severally risen; their present value, &c. &c. But it was impossible that he could have gone through such an inquiry without aid. He had received much assistance; and he trusted that the facts obtained were in such a state of forwardness as to be in a short time laid before the public. When he stated that six hundred Joint-stock companies had come out within a certain period, he wished it to be understood, that many of them vanished almost immediately; not, however, before some money had been obtained for the shares in very many instances; and in those cases the parties suffering

could obtain no redress, because the transactions were in themselves illegal. But there were now before the public more than three hundred Joint-stock companies of various kinds, of which thirty were engaged, or to be engaged, in British or Foreign mining; these thirty alone taking a capital of 25,000,000*l.* to carry them into effect. This was enough to show the House the immense sums which had been abstracted from circulation, and which, he ventured to assert, had contributed more to the severe pressure of distress which they had all felt, than the corn-laws, the currency, or any other circumstance to which that distress had been ascribed. It was throughout a system of delusion and fraud, practised upon the weak and credulous, by the artful and designing. In mining alone (he spoke in round numbers, and only upon a calculation made three weeks since), there were, as he had already stated, thirty companies requiring a capital of 25,000,000*l.*, and upon which payments to the amount of 5,200,000*l.* had been already made. Adding to this a rough average of the premiums on shares, which he would take at 9,000,000*l.*, it would make a total of 14,200,000*l.* Now, the present value of these shares (if, indeed, they could at all be sold) was 2,400,000*l.*; so that, in the event of such a sale, there would be a clear loss to the public of 12,000,000*l.* or thereabouts. The House would from this form some idea of what the total loss to the public must be. It might be said, that this money was not all lost by one description of people, and that all the shares had not been sold. But there was the mischief of which he complained. Some of the shares had been kept back, on purpose to give a fictitious value to the others. It was in this that the trickery of the transactions consisted. If a man bought a lottery ticket, and wished to gamble in that way, he knew what he was about. He felt that he was risking 20*s.* for about 10*s.*, and that a part of the money so lost would go to government; but here was gambling of the very worst description—gambling, where a man must lose without the chance of gaining. It might be said, that this money only changed hands; but it should be remembered, that if shares were declared at one time worth 100*l.*, that 100*l.* might be successively lost by ten different people Again, it was said that the present holders of shares were the losers. This was not the fact. On the contrary, it not unfrequently happened, that persons sold when shares were at a great premium—in one instance, 1,200*l.* or 1,400*l.*—and bought in again when they had reached their greatest depression, perhaps 40*l.* or 50*l.*; and in this way they were, in many instances, the present holders. In some cases, too, where persons had paid so much as 14,000*l.* they were cut off from being shareholders, in consequence of not having paid the third deposit; and in addition to this there had been a loss of 30,000*l.* in the shape of premiums. "True," said certain persons; "but it is of little consequence, as the money taken out of the pockets of one set of speculators has found its way into the pockets of another set; and so, as a national matter, there is no loss." But, if he understood any thing of government, it was the duty of the legislature to protect the foolish and the simple, the silly and the ignorant, against the arts and insidious devices of the crafty and the knavish. He had one further observation to make before he left this part of the subject. Supposing an average were struck of the twelve millions—supposing it were taken at only half that amount—it was to be recollected, that the work of gambling was going on every day and hour. Sometimes shares rose rapidly, and fell as suddenly, in the course of twenty-four hours; so that the system was carried to an enormous and incalculable extent, spreading over four, five, or six millions of money. He had left out of his calculation, perhaps two or three hundred other Joint-stock companies, probably of a worse description, but, separately, not of much magnitude or importance. His object was, to examine the injury the system had produced; and he called upon the House to enter upon an inquiry into the nature and origin of the companies, as a part of its public duty. If no satisfaction could be afforded for the injury already sustained, it was time, at least, to look round upon the distressing scene, and to consider of some measure of security and protection for the future.

It was not his intention to enter minutely into the great variety of schemes which had recently been brought forward. If he confined himself to a very few of the many which were of the same nefarious character, he hoped it would be suf-

ficient to induce the House to acquiesce in his motion. Before he went into this branch of the subject, he wished to state, that the same individuals were, in many instances, connected with a vast number of projects. Their motives were certainly laudable, if their own assertion were to be taken undisputed: their charity, benevolence, compassion for distress, seemed to be unbounded; and, with the view of alone promoting the general happiness and welfare of mankind, they had contrived these undertakings. Persons of rank, members of both houses of parliament, had been prevailed upon to lend their names and support; and, no doubt, their intentions were equally humane and disinterested. About a dozen or fifteen individuals formed the members of a much greater number of undertakings: one was a director in this company, an auditor in that, and a banker in a third; and so they rung the changes between them. To step aside a moment from the main question; there were two mining companies, whose deposits, losses, &c. could not be stated at less than a million and a half each; one of these was the Pasco-Peruvian, regarding which there had formerly been some discussion in that House. It was instituted by the same parties who originated several Gas Companies, the Equitable Loan Company, and the Arigna Mining Company; and they were all put in motion at the same time. The Pasco-Peruvian shares came out, as it was termed, at 16 per cent premium, and some of the newspapers, at the time, called the parties who gave it fools, which produced a most indignant reply from the directors, showing that the shares were of almost incalculable value, and that the undertaking held out the most promising prospects. Nevertheless, this company had come to its end, and might, therefore, be spoken of with the less reserve. None of the pompous descriptions and promising prospects had been realised. Others were either thinking of their last moments, or were breathing their last gasp, and people began to be aware how ridiculously they had been deluded. The Pasco-Peruvian shares, on which 5*l.* had been paid, were brought out at 16 per cent premium, and they rose to 49½ per cent premium: up to the present moment, 15*l.* had been paid, and that, added to 49*l.*, made 64*l.* Yet, what was considered the actual worth of the shares at this day in the market? Only 1*l.* 15*s.*! Ten thousand shares were issued; which, if sold at 64*l.* each, would produce 640,000*l.*; and, deducting the supposed value of the shares at present, the nett loss would amount to more than 620,000*l.* The Imperial Gas Company was established under the auspices of the same individuals. The concern was probably carried on in the same counting-house; and he believed, that a great many of the schemes, respecting which he prayed the interference of the House, had been got up by the office firesides of the same establishment.

Looking to the case of the Arigna Mine Company, that concern was, certainly, a trifling one, compared with others which he had mentioned, or should mention; but though small in extent, yet, looking to the conduct of those by whom it had been directed, its sins would be found not to stand second to any. In the first place, the House should be told, that the capital of the company was to consist of 300,000*l.* raised by 6,000 shares of 50*l.* each; the first deposit paid being 5*l.* on each share. As soon as these shares came out, which was about the middle of December, 1824, they rapidly got up to 4*l.* premium. Then, in the beginning of January to 8*l.*, and, afterwards, in one day, from 8*l.* to 26*l.*; settling on that same day again, down to 22*l.* After which, they kept as high as 16*l.* or 18*l.*, to April, and then declined. Now, the House would not believe, that that extraordinary rise from 8*l.* to 26*l.* in one day, could have occurred without some trick or contrivance on the part of the Directors. The gross amount paid for the whole 6,000 shares, in deposits, had been (12*l.* a share), 72,000*l.* The amount paid in premium, taking sales at 25*l.*, was more than twice 150,000*l.*, making the whole sum paid for the shares 222,000*l.*; the value of the whole shares at present was 12,000*l.*; which left a loss upon the scheme of 210,000*l.* It appeared, by documents to which the parties who signed them had sworn, that this Arigna company had, at a certain time, been seeking an act of parliament to establish it. And though he wished, in discussing the question before the House, to avoid as far as possible, all allusion to any particular individual, after what had been urged upon him, he felt it would be impossible for him entirely to overlook the hon. gentleman (Mr. Brogden). Yet, at the same time, he had no hesitation in declaring

that, to single him out in particular would be an act of grievous injustice, because there were other individuals connected with similar transactions, not only equally culpable, but a great deal more so. And he fully believed that if the House went into an inquiry seriously upon the subject, and if the government fairly assisted —an aid without which it would be nearly useless to attempt any thing—if this were done, his entire belief was, that it would be impossible for some of the individuals concerned to continue to hold seats in that House.

With respect to the hon. gentleman (Mr. Brogden), he had felt himself compelled to go as far as he had gone. He had intended originally to have observed upon that hon. gentleman's share in these transactions, on the occasion of its being moved that he should take his usual place in the chair of the committees of that House, and he thought that the mere facts which had come before the public, taking the statement of the hon. member himself against them, and giving him the fullest credit for the accuracy of it, would have justified him in that course. The directors of these companies were trustees. It was their duty to manage the property and guard the interests of others; and they ought to be men of character and probity; in short, such men, as that those who placed confidence in them would not merit the epithet of fools for so doing. The directors or trustees of the Arigna company, having these important functions to discharge, the first question they put was not, how can we best fulfil the trust reposed in us?—but how are we to be paid? They were told, that they were to be allowed two or three guineas for attending to do nothing, and six or seven guineas for writing their names in a book, and doing, at the utmost, half an hour's work. But that was not sufficient: their ambition seemed to have over-leapt minor considerations; and having received this answer to the inquiry, how they were to be paid, they replied, "Oh, no: this will never do—we must be paid in shares." To this the reply was, that so much had been recently said about the partition of shares among directors, that such an arrangement was impossible; a sum of money was, therefore, pointed out, and they were desired to help themselves to as much as they thought proper. Was this a fit course for any man to pursue? Did it become a member of that House, having the care and disposal of the property of the proprietors of the company, to put 1,047*l.* into his pocket, and coolly walk away to his seat in the chair of the committees of that House without investigation? The hon. member had received, by his own admission, a sum of 1,047*l.* That sum had passed into the hon. gentleman's pocket. Where did he imagine it had come from? It had come from "the sale of shares." Of what shares? What profit upon shares could by possibility have accrued? The works of the company were not yet in operation. What profit was the hon. gentleman entitled to? As yet he had done no duty. The workman was worthy of his hire; but, in this instance, no work had been done.

Admitting, however, that no fraud had been committed, and that the hon. gentleman had possessed himself of the money in a way liable to no reproach, the hon. alderman said, he rested his claim for inquiry upon a stronger ground; and, whether the 1,047*l.* were derived from a division of plunder to the extent of 15,000*l.*, or from the sale of shares, made no difference. The petitioners, whose case he had just laid before the House, said, that they could draw no distinction of the kind; nor could he. In some cases, the directors, in fact, had no shares, and had paid no deposits: yet, when the public in general neglected to pay their deposits, the shares were forfeited, and the directors applied the money to their own purposes; while the parties had no remedy, inasmuch as the whole transaction was illegal. In an action brought against a company, of which the hon. gentleman was a director, the chief justice had declared, not only that such associations were contrary to an existing act of parliament, but illegal at common law. He had stated broadly, that such schemes left to persons who were defrauded, no remedy; that their effect was to create undefined liabilities, and to give a scope and opportunity to gaming, which would involve thousands of persons in ruin. And then, after this, the hon. gentleman, it would be recollected, had been a party in this very company—had been implicated, as it were, in all the observations so made. What was to be said of a set of legislators —makers of laws by office and by profession—who should deliberately go on breaking those laws which they had thus strenuously laid down, and which it was their duty, of all men living, to uphold and

defend? Were men who had so acted fit to sit in the chair of that House, or to preside in any public assembly? If the House should come—which he thought was impossible—to a decision that they were fit, he would venture to say, that no disinterested men throughout the kingdom, would acquiesce in its opinion. He meant to urge no complaint of apathy against his majesty's ministers. The question was not one of party; both sides of the House were implicated in it. His object was only to do his duty towards the public; but he was rather sorry that government had not itself, in the first instance, taken the question up.

The Arigna Company, however, it would be recollected, had been looking for an act of parliament. When first Mr. Flattery came over to England, the intention had been, to put the 15,000*l.*, afterwards divided among the directors into a smaller job—into the pockets of only three or four. This plan, however, was abandoned, because it was supposed possible that the rest of the party might find out the trick, and have some little hankering after the money. It was consequently resolved to divide it into smaller shares; and, as some parties for whom it was intended would not take it, and others were abroad, their proportion was left in the hands of one honourable gentleman. One member of that House received 2,500*l.* of the money, besides 1,225*l.* for shares sold, although he had not paid a single deposit upon them. This fact was sworn to by the clerk of the company [cries of "name, name!"] He referred to the chairman, sir William Congreve, upon whose shares 375*l.* for premium was due, and to this hour had not been paid. The House would see how the matter stood. An act of parliament was in progress, and a member of that House, who was to be called upon to decide upon it, put this large sum into his pocket, while his brother-in-law obtained 1,000*l.*, and another of his agents 1,000*l.* more. How many other agents he might have, and how much they obtained, he knew not.

Under these circumstances, was not the House in honour bound to do something to free itself from this reproach? The presenting of the 1000*l.* to the Speaker of the House, sir John Trevor, in the year 1694, when the city of London wanted to secure the passing of the "Orphan's bill," was nothing compared to it.* The case of Mr. Hungerford, who received twenty guineas at the same time, as chairman of the committee to which the bill was referred, for which act he was expelled the House—was trifling to it. That expulsion had been declared to be done purposely to vindicate the honour of parliament; and, would the House agree that it was fit to sit down contented, with imputations upon any of its members like those now brought forward by the voice of the whole country.

But these charges were not confined to the case of the Arigna Mining company. There was another company, to which he would for a few moments call the attention of the House—a company in which thirty-four members of the House of Commons had held among them 12,000 shares—an actual majority of the members who sat upon the committee for passing the bill, being composed of directors and shareholders! This was the Equitable Loan Company. It had been said that he was hard upon private committees. Why! was it possible to find language strong enough to express indignation at such proceedings? But he had not done yet: he had said that thirty-four members of parliament had held 12,000 shares: and out of these thirty-four there were actually some, who having sold part of their shares when they were at a premium, refused to pay the deposits upon what remained after they had fallen to a discount. After gaining largely upon all that they could sell of the shares, these holders refused to pay up upon those which they could not sell.

Repeated cries of "name," and one or two members on his own side of the House spoke to the hon. alderman. Let hon. gentlemen have a moment's patience. He would be glad if they would let him alone. He could do but one thing at a time. But, as an hon. friend near him had observed on a former occasion, he would hit the right nail on the head, if they would let him. Part of the complaint of the petitioners to the House was of this illegal traffic in shares; but he must dwell for a moment longer upon the proceedings, peculiarly, of the Equitable Loan Company. The directors of that scheme had begun by holding out to the public, that they themselves were all men of the highest honour, consequence, and character; and that

* See Parliamentary History, vol. v. p. 907.

they were engaged in a cause which was of the first importance to the lower classes of this country; and by this last device it was, no doubt, that they had been enabled to gain the high patronage of the duke of York. Every one knew the general benevolent feelings of that illustrious individual; and those gentlemen had been perfectly well aware of the side in which he might be advantageously assailed. On the 2nd of April, however—it ought rather to have been upon the 1st—the first flourishing of trumpets in favour of the company had been blown in the shape of a long paragraph in one of the newspapers, stating the general oppression of the poor, and the universal rascality of the pawnbrokers; and declaring that a new institution was about to be formed for the purpose of lending money, in small sums, to the lower classes, which should present claims of a peculiar description to the attention of the humane and public-spirited. Thus the thing was brought forward, the House would see, as a measure of charity—a system of which the poor were to reap the benefit. Now only let hon. gentlemen look to the latter part of the prospectus, and they would see that a gain sufficient to remunerate the whole of the directors—not a very trifling gain, therefore, the House would be inclined to think—was expected to be made "from the sale of the unredeemed pledges." Here was charity then! Here was kindness and pity for the poor! to propose extracting their miserable property from them at so low a rate, that large sums were to be made by the re-sale of it. This was not all. In the first instance it was held out to the public as an inducement to them to embark their money, that each of the directors of the company would be required to hold three hundred shares. As soon as the shares were at a premium, and money could be made by selling them, the three hundred necessary to be held was dropped to fifty. There was more done yet. There was a statement published at that time, that three thousand shares more having been applied for than could be granted, it was necessary to take a week to settle the distribution to the public. At that same time forty-five individuals, directors or officers of the scheme, had divided 31,500 of the shares among them. There were only 40,000 in all. The remaining 8,500 it was not very well known how they had been disposed of, but probably among friends of the authors of the scheme, or people who wrote in the newspapers to support it. This was not all; for at that same time they declared, that 1*l.* on each share being 40,000*l.*, had been paid down. Now at a public meeting held since, it appeared that 10,000*l.* of this supposed original payment was deficient. It appeared yet further, that there were three hundred shares on which two directors had not paid their deposits, although the qualifying amount to hold that rank had been reduced not only from three hundred to fifty, as he had already stated, but after that to twenty. Nay, the very shares upon which an hon. member originally qualified as a director, were now in his pocket, and he believed they were pretty nearly the only shares of the kind [here the hon. member took them out and showed them to the House] which had ever found their way into that situation. From the first, his opinion had been, that that Equitable-Loan-Company bill could never pass through the House. The promoters of it had been sanguine: they said, "Oh, yes, we are sure to get it through. We have got the ministers, and we have got a good many of the opposition, and"—they made the last communication with a peculiar wink—"we have got more—we have secured the Saints" [a laugh]. They relied upon this advantage, and the parliamentary directors were attached to the undertaking precisely in proportion to the sum of money they obtained for the shares which were given to them. One hon. member, indeed, had declared—"so help him Heaven!" that he was ignorant of any thing improper in any of the transactions, and that he was bound by his office to watch over the interests of the proprietors. In spite, however, of all their expectations, that bill—which had been but a sample of too many others which were to follow it—had not been carried.

For the whole subject—if a committee should be appointed, he believed that the evidence which was already prepared, and in a state to be brought forward, would relieve the members of it from a good deal of labour to which, in ordinary cases, they were subjected. Let the committee report, if it so pleased the House, from time to time; to declare whether or not they deemed it necessary to pursue their task; and whether they found, or did not find, the evils of the general system as great as

had been represented. All he hoped was, that, in an object so important to the country as this was, he should not be turned round upon any technical objection. All he wished was, for inquiry, and for justice; and if a committee was named, it was equal to him of what members it was composed, so that it was selected from among those gentlemen who had no personal interests at stake, or were likely to have been concerned in any of the companies, into the conduct of which they were to inquire. If the hon. gentleman (Mr. Brogden) could show him that he was wrong in his view, he should be most ready to withdraw every thing which, it would then have been under an erroneous impression, he had stated. No man in the House would be better pleased than he should be to see the hon. gentleman relieved from every imputation. At the same time, it was one thing to acquit an hon. member of imputations, and another to place him in the Chair of the committees of that House. After apologizing for so long intruding upon the patience of hon. members, and thanking them for their indulgence, he should sit down by moving, "That a Select Committee be appointed to inquire into the origin, management, and present state of the Joint Stock Companies which have been formed during the years 1824, 1825, and 1826, and to report the same, with any special matter touching the conduct of any Members of this House."

Mr. *Brogden*, with much earnestness of manner, begged leave to second the motion.

The *Speaker*, after having put the question, said, that the name of sir William Congreve having been mentioned, as being concerned in certain Joint Stock companies, he wished to state, that he had received a letter from sir William, inclosing medical certificates of his inability to attend the House in his place this day, on account of ill health.

Mr. Secretary *Canning* assured the hon. alderman, that if he announced his intention of moving an amendment to the motion before the House, it was not with any desire to obstruct the object which that proposition had in view, but rather to place it upon a more practicable footing than it stood at present. The hon. alderman had observed, but a few minutes since, to some friends who were suggesting something to him, "that he would be glad if they would let him alone, for he could do but one thing at a time." Now, he thought that principle so sound a one, that he wished it, if possible, to be acted upon throughout the transaction. Thinking that the hon. alderman had laid before parliament a sufficient case to warrant one specific inquiry, to that inquiry he was perfectly ready to give his consent; but he wished that to that one inquiry, in the first instance, the attention of the House should be confined. He did not mean thereby to preclude any further inquiry, if the House should afterwards think it right to enter into any; but, in the beginning, he was perfectly sure it would be better, on all accounts, to confine its attention to a single object. And with this view—the hon. alderman's motion being for a select committee to inquire into the origin and management of the joint-stock companies which had been formed during the years 1824, 1825, and 1826, with power to report any special matter connected with the conduct of members of that House—he should propose, as an amendment, to leave out the words "Companies formed during the years 1824, 1825, and 1826," and substitute in their place, "The Arigna Iron and Coal Mining Company." In suggesting this alteration, he might add, that neither he, nor those with whom he acted, felt the slightest disposition to screen from exposure any parties guilty of misconduct. If the purpose of the hon. alderman were practical good, he seemed disposed to launch on so wide an ocean, that even if he ever arrived at the end of his voyage of discovery, it would be prolonged to such a distant date, as to deprive the inquiry of its most material advantages. Now, he was desirous of steering for one point in the first instance, and afterwards, if it were found expedient to proceed in quest of new adventures. As at present framed, it was impossible to agree to the motion, since its terms would include many Joint-stock companies not in the contemplation even of the hon. alderman himself. Many persons of the most unimpeachable characters had embarked in speculations of this description, for the most irreproachable ends. Companies for rail-roads, piers, harbours, gas-lights, and many other laudable objects, had been established, during the years mentioned in the motion; and into these he presumed it was not intended to carry the investigation. He did not apprehend

that the hon. alderman meant to cast any imputation upon the parties who had engaged in these useful speculations.

Mr. Alderman *Waithman* said, he had no such design in the motion he had submitted to the House.

Mr. *Canning* repeated, that at some future time he should not resist inquiry into the origin and management of other companies, if a case at all like that against the Arigna Company could be established in the first instance. Now, enough had passed in the matter of that company, to lead the House to a grave suspicion that there had been in the conduct of that company matter for inquiry. The allegations against it had been distinct. They had been urged with strong and decided epithets, by those who supported the accusation; and, on the part of the defence, there had been an admission of such conduct as it was necessary that the House should examine into. By the course which he took, he did not mean to prejudge the question as to any case; but he was bound to say that, with respect to the other companies which the hon. alderman had mentioned, he did not think that he had made out any such case as against the Arigna company; or a sufficient case, indeed, to institute inquiry. But, whatever was done must be done by specific motions; because he was quite sure that, by going into the general inquiry, the hon. alderman would only merge his own object in a mass of impracticable details. For himself, he was perfectly ready to go into an inquiry upon the distinct charge against the Arigna company now; and afterwards he should be just as willing to receive another charge against any other company, as to which the same degree of conviction in his mind, that there had been mismanagement, should arise. But he could not consent to some of the propositions which had been relied on, in bringing forward this motion. He could not assent to the hon. gentleman's opinion, that this country was injured at home, and its character prejudiced in foreign countries, by these Joint-stock companies. He could not but say that he thought some of our Joint-stock companies conferred honour, as well as advantage, on the country. Some of our best and noblest institutions owed their origin to, and were supported by, Joint-stock associations. He had only to instance the Bank and East India Company, He must dissent altogether from so much of the motion as went to inculpate, upon general and undefined charges, so large a number of distinguished and irreproachable individuals connected with them, and to consign them to unmerited reprobation. With respect to the names of the members whom the hon. alderman proposed to constitute the committee, a list of them had been put into his hands. Certainly they were very respectable: but, at the same time, he could not help remarking, that no less than fourteen, out of the seventeen, were of the hon. alderman's side in politics. The hon. alderman himself seemed to admit, that the greater number of sinners were on his own side; and it was on that ground that he objected to so many names from that side; for it was not exactly right that so many sinners should be appointed to try sinners. It was his wish, that the committee should be impartially chosen; so that, on the one hand, there might be none upon it whose fellow feelings might prompt them to screen guilt, or, on the other, whose indignation at these transactions might carry them beyond the boundaries of justice. The right hon. gentleman concluded by moving his amendment.

Mr. *Brogden* rose. He said he was sure he might with confidence throw himself upon the indulgence of the House upon this, to him, most trying and momentous occasion. He had long had the honour of a seat in that assembly, and had long been honoured with its favour and confidence. Seldom, however, it was, that he had occasion to intrude himself upon its notice, and never before now was he called upon to defend his character and his honour, from a most serious charge, and that under circumstances the most difficult to meet and rebut. It was the weight of prejudice which had been created against him, made the struggle in which he was involved most unfair. He complained of the uncandid, and he had almost said, the most unfeeling manner, in which this subject had been brought forward by the hon. alderman; from which it was evident, that the design was, to make him the chief actor in the late schemes; to hold him out as the ostensible contriver, or main supporter of almost all of them; and to throw a burthen on his shoulders, which no man could bear, or could be expected to bear. He repeated, that he rejoiced at the prospect of this inquiry;

for he was confident that when the matter came before the committee, he should be able entirely and completely to clear himself from all blame. He rejoiced in the prospect of the appointment of the proposed committee, and his great anxiety was, that it should meet immediately. He earnestly hoped the committee would commence its labours without delay; for the House could not but be aware that, after the manner in which these charges had been brought forward against him by the hon. alderman, his feelings must be in a very harassed state, as long as the inquiry should be suspended. He was therefore most anxious that, when appointed, the committee should immediately proceed to business; and that the House would not allow the investigation to stand over till after the holidays. He repeated, that he rejoiced at the prospect of a speedy inquiry; for he felt that it would have been nearly impossible for him to exist for a month or two longer, in the agonized state of mind in which he then was, and had been ever since the subject had been mentioned in that House. The hon. alderman had, throughout, fixed upon him as the ostensible person in the transactions to which he referred, and had placed him in a situation, which rendered it necessary for him to go at some length into the history of his connexion with certain Joint-stock companies; for the hon. member had not been content with attacking Joint-stock companies in general, and the Arigna Mining company in particular, but had made him the particular object of personal attack, as if he had been the grand encourager of Joint-stock companies. That was not the case. He certainly had been no encourager of improper Joint-stock companies. He had been engaged in the direction of two or three Joint-stock companies, all of them of unexceptionable character, and useful to the public, except this miserable Arigna Mining company; and, whatever improprieties might have taken place in the management of the affairs of that company, he had been no party to any of those improprieties. He had been already on his trial respecting the transactions which had taken place in the management of that company; and before as competent a tribunal as any that could be appointed by that House. He had been tried by eminent merchants of London—men particularly conversant with affairs of this nature, and with general business—and by them he had been entirely acquitted of any participation in those transactions which had been considered as deserving of censure. At a meeting of gentlemen of this description, a resolution had been proposed, and unanimously passed, stating, that he had not been at all implicated in the frauds which had been understood to have taken place. However, so far was he from deprecating the course taken by the House, that he entreated them to persevere in it. He rejoiced at it. He earnestly hoped that no time would be lost in convening that tribunal; and he implored them not to leave him labouring under a stigma which nothing now, but their decision, could remove. This was not the time or occasion for going into his justification; and, in rising, he meant to do no more than to avow his readiness to render himself at the bar of whatever tribunal this House should appoint. Lest, however, it should appear that he was not in a condition *in limine* to meet the charges against him, he begged to be allowed to refer the House to some documents, which he trusted would place his innocence beyond doubt. In July 1825, upon the discovery of certain frauds in the management of the Arigna Iron company, a meeting extraordinary of the proprietors was called, in order to inquire into the misapplication of the company's funds. The committee sat immediately. Of these proceedings the first notice which he had, was a letter from the solicitor to the company, requesting his attendance at a public meeting, where charges for malversation were to be preferred against some of the directors. Their inquiries led to a resolution, among others, that neither himself, nor his friend Mr. Bent, nor Mr. Morgan, were in any way implicated in the frauds which the committee had detected. Shortly after this, there appeared in "The Times" newspaper, as malignant a libel as ever was published. It took no notice of the real official character of the gentleman who communicated the particulars to that journal, but left it to be inferred, that the writer was his (Mr. Brogden's) own solicitor. The hon. gentleman then went on to state, that on finding the conduct of this journal so unfair, he resolved that no rejoinder of his should be sent to that paper. The matter did not end there; for the com-

mittee above mentioned, moved by the injustice done to him in "The Times," had met, and had sent him a letter expressing their regret at the publication in "The Times," and giving it distinctly as their unanimous conviction, that neither himself nor Mr. Bent had any knowledge whatever of the misapplication of 15,000*l.* of the funds of the company, when they received the 1,047*l.* each. The committee afterwards agreed upon a resolution to be reported to a general meeting, and in that resolution the committee expressed their unanimous opinion, that when Messrs. Brogden and Bent had accepted the 1,047*l.* each, they thought that the money had arisen from the sale of shares, and were utterly and entirely ignorant at the time, that it had been withdrawn from the funds of the company: and that when informed of the fact, they had done every thing in their power to promote a prompt and rigid inquiry into the transaction. This report was laid before a general meeting, and was unanimously confirmed. At a subsequent general meeting, held for the purpose of considering the propriety of excluding those who had really been concerned in the fraud, a resolution, acquitting him of all participation in it, was carried by 209 shareholders out of 216, the number of which the meeting consisted. In short, at four general meetings, his conduct throughout had been fully approved. So that no less than four general meetings of the proprietors of the Arigna Company had declared and affirmed their conviction of the integrity of his conduct. He begged to be understood as not appealing to the feelings of the House. He disclaimed any such intention. He should, however, implore of hon. members not to suffer themselves to be carried away by the prejudice that had been excited by the hon. alderman, against Joint-stock companies; but, indeed, the observations of the right hon. Secretary of State, had rendered any request of that nature superfluous. It had been said of him, that he had evinced a predisposition for that species of investment. He confessed that he had, from his earliest years, as a man of business, been connected with several Joint-stock companies, but in no instance with impure motives; and he now dared those who would insinuate the contrary to the proof. He had always deemed them capable of rendering the most important service to the country; and had always thought investment in Joint-stock companies as legitimate a mode of employing capital as any other that could present itself. He did not mean to follow the hon. alderman throughout his speech; but he felt called upon to say a few words respecting the mining companies, against which so much prejudice had been raised. At home, they had been productive of great benefit. The foreign mining companies had been the cause of promoting, in an eminent degree, the interests of England. Their operations in South America had laid the foundation for that connexion between those countries and Great Britain, which promised to us such important advantages. The hon. member here appeared overcome with emotion, and, after a short pause, declared his inability to proceed further with his statement. He concluded by hoping, that the earliest opportunity for entering upon his defence would be afforded him. He implored not only the justice of the House, but its speedy justice; and had no doubt but it would be administered to him, and to the other hon. member, whose character had been inculpated by these charges. [Hear, hear!]

Mr. Alderman *Waithman* disowned any sweeping censures on all Joint-stock companies. In what he had said he had excepted all those which, though of great and unquestionable usefulness, were of too great a magnitude to fall within the compass of individual capital. He also, excepted from all censure, those persons who had merely lent their names to such companies, from an opinion that by so doing they were promoting the interests of the public.

Mr. *Fergusson* dissented from the motion of the worthy alderman, and approved of the amendment, because it appeared to him to be the most practical mode of obtaining the desired object; namely, that of enabling the hon. member who had just sat down to retrieve his character. He could not, however, agree with the right hon. Secretary, that this was the worst case that could have been selected. There were many of them which, from the published statements, for he was not in the country at the period when these schemes were in progress, appeared to him infinitely worse, and more iniquitous in their conduct, than that with which the hon. mem-

ber had been connected. He thought the character and honour of the House required that strict inquiry should be instituted into them, and he hoped the hon. alderman would, during the recess, employ himself in procuring such cases as would enable hon. members to declare their opinions respecting them; and he should add, that he, for one, would not skreen any man proved to have misconducted himself, while in connexion with any of these companies. It was extremely necessary that the light should be let in upon these transactions, no matter who had been engaged in them; and that no consideration should prevent the punishment of the guilty. It was hardly necessary for him to say, that the right hon. Secretary, and the other right hon. gentlemen on the same bench, should be, and he was sure would be, the last in that House to attempt to screen a delinquent from punishment.

Mr. *Hobhouse* said, he could not but think the House and the country greatly indebted to the hon. alderman, for his industry and public spirit, in exposing the practices of these Joint-stock companies, and on making them the subject of fair and impartial inquiry. The House and the public were especially indebted to him for the statement that night. Thanks were also due to his majesty's ministers for the manner in which they had that night conducted themselves; and his only objection to them, with reference to this subject, was, that they had not taken up the matter, and done something in it at an earlier period. Still he thought, that the House and the public were obliged to them for the candour which they had displayed. The right hon. President of the Board of Trade had remarked, that he had, a considerable time ago, made a declaration against these Joint-stock companies, and pointed out the mischievous results to which they must lead. But, in reality, this declaration had been productive of little good; and he was convinced, that nothing short of a legislative enactment would put a stop to these abuses, and prevent their recurrence in future. Without a strong measure of that description, similar frauds would always prevail. He had, himself, in 1825, warned the House and the country of the mischievous nature of a number of these Joint-stock companies, and had endeavoured to impress upon the minds of members, and upon the public, the pernicious character of many of these transactions. It was disgraceful for any man to be concerned in these frauds and abuses, but it was particularly disgraceful in members of parliament to be at all connected with them. Gentlemen had come down to that House, lauding to the skies the wealth and riches of the South American States, and setting forth the vast advantages likely to result from the South American speculations. They said, that gold and silver were to be had there in such abundance, that the natives hardly knew what to do with the precious metals; and that a company had only to send out vessels with cargoes of coals, and bring back cargoes of silver spoons, or something of that kind. Now, what had been the end of these boasted speculations? Instead of producing all that wealth and prosperity which had been so loudly promised, they had almost all most shamefully failed. He ought to mention that, while he gave the hon. alderman all due credit for his exertions that night, he really thought it rather unfair to Mr. Brogden to name him particularly, without naming others, who certainly ought also to be named. This was but justice; since there certainly were others against whom suspicion was perhaps stronger than against Mr. Brogden. He concluded by again declaring, that the hon. alderman and the right hon. Secretary of State had deserved well of the House and the country for their conduct that night.

Mr. *Attwood* observed, that the hon. alderman had brought a great many sweeping charges against Joint-stock companies. But Joint-stock companies might be good; and therefore vague, general, and sweeping accusations against them did not deserve much attention. The injustice of denouncing such companies by wholesale had been sufficiently exposed by the right hon. Secretary. Certainly, in a country like this, he was not a little surprised to hear these united efforts of enterprising men branded as they had been; and he was equally surprised at the attempt to extort from these general denunciations a charge against any particular individual. He had listened with great attention to the speech of the worthy alderman, but had listened in vain for any precise or definite accusation. It contained abundance of vague charges, but few or no facts; and even these resting on proof by no means sufficient to impeach any man's

character. The first tangible charge upon the face of this motion was that of misapplying 15,000*l.* of the funds of the Arigna Iron Company. But what was the proof of this? A petition presented that night to the House stated, that a part of this money was paid over to the late chairman of Ways and Means; but another petition, accompanied by an affidavit, which was presented a few evenings ago, denies that any part of this money was paid to Mr. Brogden. Now, which of these allegations was the true one? The next charge was connected with the Equitable-loan company. And what was that? Why, that a certain number of shares had been transferred to certain members of that House, which were not retained by them. These two charges, then, were the only ones capable of being twisted into substantial accusations against any individual member of that House. Therefore, it would seem, that the object of the hon. alderman was to charge the House generally. It was admitted, that many men of property and character were found connected with these Joint-stock companies. Hence it followed, that the mere fact of belonging to these companies was not of itself an imputation upon a man. As, then, the mere fact of trading was no reason why a man should be censured in that House, could it be said that this was a proper tribunal to investigate the private commercial dealings of all its members? What had they to do with it? Were they to infer bad conduct because of the connection of a member with these Joint-stock companies? Or would they presume that such connection was necessarily for fraudulent purposes? If so, then the right hon. President of the Board of Trade cannot be safe. So far back as the year 1822, he had been connected with one of these companies, but nobody doubted but it was because he thought them advantageous to the public, and because there were men amongst them of sound character and integrity. The worthy alderman said, that no member ought to be upon the committee, who was connected with any of these Joint-stock companies. Now, did not the hon. baronet know, that the present chairman of the Committee of Ways and Means was a member of a Joint-stock company; though, judging from the prospectus, it certainly did not seem to promise the most solid advantages [a laugh]. This proved the absurdity of these general charges and imputations—the absurdity of considering members of parliament at all disqualified from the performance of his parliamentary duties, upon vague and sweeping allegations of their being connected with Joint-stock companies. The hon. alderman, among his other charges and imputations, had dwelt much upon the conduct of the buyers and sellers of shares. But what inference did the hon. alderman mean to draw from the buying and selling of shares? Shares might be bought and sold very innocently, on the part of the purchasers and sellers; and that circumstance alone could surely never be considered as any imputation on their characters. There was no more harm in buying or selling a share, than there was in purchasing or selling a shawl [a laugh]. A share or a shawl any man might buy or sell, if he did it fairly. But if he used improper means to give a fictitious value to the commodity, that would, indeed, be deserving of reprobation and punishment. The hon. alderman had adverted to certain cases of alleged abuses in these Joint-stock companies. It might be difficult to guard, in all cases, against abuses in these companies; but it was well known that a great many of the most beneficial works never could be carried on without them. There could be no doubt of the vast utility of canal navigation, and yet that most valuable work had been carried on by means of Joint-stock companies, and could not be carried on by any other means. Harbours also had been constructed by means of Joint-stock companies, and had, as every one knew, proved of the highest utility to the navigation and commerce of the country. He might also mention the works for supplying cities with water, which had been carried on by means of Joint-stock companies, to the infinite convenience, advantage, and comfort, of the public. Then he might mention that great improvement the gas light. This, too, was the work of Joint-stock companies; and unless a Joint-stock company had persevered, this great improvement would never have been carried into effect. It could only have been done by means of a Joint-stock company, and by great perseverance, and at an immense expense. He believed that little less than 300,000*l.* had been expended before they had been able to produce any thing else than a bad light; and yet, by the perseverance of a

Joint-stock company, the gas light had been brought to its present brilliant condition. The Insurance Joint-stock companies were also of great public utility, and yet were carried on by private individuals. He repeated, that nothing could be more absurd than these general, vague, and sweeping, imputations upon Joint-stock companies, and those who were concerned with them. The motives that had led many individuals to take part in the lately-formed Joint-stock companies were, he was convinced, in a number of instances, widely different from those which the hon. alderman had supposed to be those by which, of necessity, they must have been actuated. With respect, for instance, to some of the mining associations, to which, indeed, strong allusion had been made, he must protest against the general condemnation of these speculations. When it was considered that the working of a great portion of the South American mines had been feebly conducted, if not often paralysed, by the proverbial indolence of the Spanish agents, the supineness of the natives, and the imperfect and inadequate management of both, it was not unreasonable to suppose, that the extension and diffusion of British skill, capital, and enterprise, would be attended with the best success. Those who had embarked in the companies to which he referred were of opinion, that by an improved system of working the mines, they would obtain a great accession of the precious metals, by means of which they would lower their previous value, not only in Europe, but throughout the world, and thereby effect a solid advantage to this country. This yielding of a greater produce from the mines, would have inevitably produced the effect which he had just stated. The worthy alderman had informed the House a few nights ago, that during his mayoralty in 1824, a considerable number of fraudulent schemers had solicited his co-operation to promote the projects in which they were engaged, and that by yielding to their solicitations, he might have put thousands of pounds into his pocket, which, however, he had declined, from a persuasion of their iniquity. Now, all he could say to this was, that not a single one of these fraudulent speculators had ever besought him to bolster up their designs, or to join them in their iniquities. It was unfortunate for the hon. alderman, that they should have selected him as a fit partner in their schemes. He confessed he should have been astonished if such persons had applied to him for his assistance, or if he had heard that they had applied with the same view to the hon. alderman (Thompson) opposite; and he was almost equally astonished to account why they should have gone to the hon. alderman who had brought forward the motion. It certainly was creditable to the hon. alderman, that he had shrunk from sharing in the speculations which he was invited to patronise [hear! and a laugh]. With regard to the Joint-stock companies for domestic purposes, he believed that many of them would prove highly beneficial. He referred particularly to the association for forming Provincial Banks in Ireland. If it was continued on the system originally adopted, he would venture to say, that that association alone would be productive of the greatest advantage, not only to the country within which its operations were to be conducted, but to the empire at large. He hesitated not to predict, that that association would, if continued on its present principles alone, more than counterbalance all the losses that had resulted from the failure of all the Joint-stock companies during the last year. Then, again, there were the general steam-navigation companies, which furnished a valuable acquisition to modern improvement. Now, of all these steam-vessel speculations, four out of five, if not nine out of ten, arose out of joint-stock establishments. In fact, there was no other way of promoting them: the work was too great for single hands, the capital too large for prudent enterprise; therefore, without these general associations, such great objects could not be achieved as were involved in these speculations. Were these steam companies, then, of no advantage to the community? Was it nothing to diminish and keep down the obstacles which opposed the steady intercourse between distant nations? Was it nothing to promote the more rapid interchange of commerce, which was admitted to be advantageous to all countries, but to none with so much certainty as Great Britain? He begged to apologize for trespassing upon the attention of the House; but when such a motion as this was made, indiscriminately casting imputations upon every man's character who had ever belonged to a Joint-stock company, he thought it right

to expose the fallacy of such unreserved denunciation. As to himself, he could safely say, that he was not aware of his having been ever engaged in a single company, which could be deemed derogatory to his station as a member of parliament. He cared, therefore, nothing for these general and sweeping accusations, although he must condemn a course of proceeding which went to stigmatize where it could not convict, and which treated with levity the character of others, exposing men to unjust stigma, by groundless and unworthy insinuations of an undefined and equivocal description [hear, hear !].

Sir *Alexander Grant* said, he rose to address the House, only in consequence of the allusion which the hon. gentleman who had just resumed his seat, had thought proper to make with respect to him. Ungrateful as he knew such explanations to be to the House at large, and disagreeable as they necessarily were to the member who had to offer them, he could not permit the occasion to pass without trespassing for a moment upon the attention of the House. The hon. gentleman had taken the pains to draw a distinction between those Joint-stock companies, which, being formed on a large scale, were calculated to be advantageous to the empire at large, and those of an inferior magnitude, which had been denounced as less entitled to public patronage and support. That, however, was not the question before the House. It was of much wider extent; but, narrowed as it was by the amendment of the right hon. Secretary, and after the personal allusion of the hon. member who had last spoken, he felt himself justified in addressing them. It was true that he was a director of a Joint-stock company for a few weeks. But as no list of that company had been advertized, he did not imagine that there was any member of that House, except those who were in the same situation as himself, who knew any thing about it [a laugh]. He was not aware, indeed he had not the slightest suspicion, that the general knowledge of the hon. member, extending as it did to every thing of the kind, could have produced that particular example. He would briefly state the circumstances under which he had become connected with this Joint-stock association. In the spring of 1825 it was proposed to him to join his name as a director of this company with those of several persons of commercial eminence, and some of the highest rank. As he saw no objection to the project, he consented. He would inform the House what that project was. In the spring of the year 1825, it was proposed to him to be one of the directors of a company, in the prospectus of which he saw the names of many noble and honourable persons of the highest character. It would be in the recollection of the House (for he desired to be very explicit in his statement), that some time in the year before-mentioned, this country had been visited by the heads of the illustrious family which reigned over the Sandwich islands. Their Sandwich majesties had in fact sojourned in the metropolis for a short time, and the melancholy fate which had attended them had been a general source of grief. After that event, and when their minister and suite were returned to their own hemisphere, they were attended or accompanied by a Frenchman of the name of Rives, who shortly after left them, and repaired to Paris, bearing with him, as he said, an exclusive commission to empower persons to carry on a beneficial trade with the Sandwich islands (which he supposed, like other states, had their navigation laws and prohibitions), and he then endeavoured to dispose of the privileges, with which he said he was intrusted, among capitalists in the French capital. No way, however, could be found in Paris to get together a Joint-stock company for the proposed purpose, and the offer was transferred to this country, where the exclusive trade so far succeeded, as to be embodied in a prospectus, to be placed under the guidance of directors, one of whom he had already stated himself to have been, and to have attracted an investment of 20,000*l.* or 25,000*l.* Upon a close examination by the new company of the nature of the trade thus laid open to their exclusive control by the French agent, the most advantageous commodity which suggested itself for exportation from the islands was sandal wood, and this was to be sent to China [laughter]. While, however, this projected trade was maturing, two events occurred which rather damped the expected monopoly. One was, that the brother of an officer high in his majesty's service, an adjutant-general, had accidentally visited the Sandwich islands, and found that the story of the sandal wood had been very

much exaggerated; and next, that let the prospect of the new export be good or bad, the Frenchman had received no authority whatever to warrant his appropriation of it. This two-fold discovery, which came in quick succession, speedily determined the directors upon dissolving the company; and a noble friend of his and himself had exerted themselves to render the dissolution effective, after the duration of the establishment for only a few weeks. But he would tell the hon. member who had thought proper to introduce his name into this discussion what had been the conduct of the directors in this extremity. It was not to be supposed, that however short had been their operations, their proceedings could have been carried on for nothing, when it was known that they had secretaries and all the paraphernalia of doing business. Their expenditure, in fact, during the few weeks of their existence, amounted to from 2,000*l.* to 3,000*l.* How did the directors act under these circumstances? They argued thus: "We, the directors of this company, have, by lending our names to it, induced the public to take shares. We now find that we have acted under fallacious representations. Ought the public to pay for our mistakes? No: we lent ourselves to the fallacy, and it is our duty, therefore, to bear the onus." The company was dissolved. The loss was spontaneously divided among the directors, and the public received back every shilling they had subscribed [cheers]. There were those present, who could testify the truth of his statement, or correct him if wrong, by their contradiction. It was with the greatest pain that he had made this reference to his own case; but, after the allusion which had been so pointedly made to him, nothing on earth could have prevented him from promptly furnishing this explanation. He must say, however, that the allusion which had called it forth was most uncourteous on the part of the hon. member [cries of "No, no"]. He said so, because the hon. member had not previously communicated his intention, and thereby afforded him the opportunity of a more accurate reference for the purpose of explanation, than the inconvenient opportunity of mere recollection at the moment was calculated to supply.

Mr. *Attwood* said, in explanation, that nothing was further from his intention, in the allusion he had made, than to have taken the hon. baronet by surprise. In fact, he had only lighted upon his name that morning in casting his eye over a printed list, which had been handed to him. The hon. baronet had, however, most satisfactorily acquitted himself of having inflicted the least injury upon the public, for certainly a more harmless or more innocent operation had never been performed, than that in which he had so candidly described himself to have been engaged.

Mr. *John Smith* said, that as specific allusion had been made to the share he had had in some of these companies, he was bound to afford the best explanation which he could on this occasion. He admitted that for a number of years, he had been engaged in several Joint-stock companies, fire-offices, and insurance-offices, for example, and he could add, that while so acting he had never felt any thing but pride and satisfaction, nor had he ever taken a part in a single company, of which, in any sense, he ought to feel in the least degree ashamed. The worthy alderman who had introduced this subject —and he gave him full credit for purity of intention—had certainly indulged himself in unjust and unfair reflections of a sweeping nature. [A cry of "no."] He must reply "yes," for the worthy alderman had dealt out his imputations against all the members of parliament who had been, in any way, connected with Joint-stock companies. That among these speculations, there had been many which were formed upon false principles he readily admitted; but there were others of a very different description. With one in which he was engaged, the Real del Monte Association, he could assure the worthy alderman, that the directors, so far from feeling any indisposition towards inquiry, courted it, and he should be afforded every assistance for that purpose. It had been hardly formed, when the shares rose to a very great premium; a circumstance which he could assure the House had given the directors at the time the greatest concern; and he, as the chairman, was the instrument of publishing a notice, with the view of correcting any exorbitant expectations, which specified that the whole plan was an experiment, and only such: and this was done at the instant, to guard the public against too sanguine expectations of the result. He could also assure the House of a fact which was also commu-

nicated, and he could add had been likewise most religiously observed; namely, that no director had disposed of his shares. He had himself never sold one. These shares were at a premium still, and he had reasonable hopes that the whole system of the company would eventually work well and succeed, with the exception of one or two points. There was another company in which he had also been engaged, and could refer to with satisfaction, from a consciousness of the motives which had prompted him, and induced others, to engage in it, he meant the Australian company. That undertaking was specially under the patronage of his majesty's government. The remembrance of his connection with that company would be dear to him to the last moment of his existence. He could not, therefore, concur in the general invective uttered by the hon. alderman against all Joint-stock associations. That some had been projected by bad, very bad individuals, there was not the least doubt; but it was not because such companies had been formed, that the hon. alderman or any other man, was justified in dealing out such charges as he had made that evening. If he understood the meaning of the English language, the hon. alderman had attacked all who had been connected with Joint-stock companies, as men who had lent their names to fraudulent practices. The hon. alderman was so filled with this sentiment, that he had declared "he would drive that nail to the head." It was to be hoped, he would do as he had threatened; for those who had acted uprightly had nothing to fear. Allusion had been made to another company, of the principle of which he did not hesitate to avow himself a firm supporter. It was the Equitable-loan company. He knew that many most respectable persons were engaged in that concern. He had been himself one of the vice-presidents, although he had never interfered in its details, or attended the committees more than once, when he addressed the directors, and, said—"Gentlemen, you are wrong in taking so many shares to yourselves;" and after that, he had desisted from attending their meetings. Nevertheless, his decided opinion of the company was, and he had formed it after the closest examination of the whole business, that its establishment would have been of essential benefit to the lower classes of the community. The poor were the objects of the society; and, although he knew he yielded in talents to the worthy alderman, yet in the promotion of their interests he would not concede to him any priority, and it was therefore that he felt interested in a plan which he believed would administer to their relief. He had inquired into the system of the Mont de Piété in France, and if any institution of a similar nature were established in this country, he was convinced it would not only be attended with success for those who embarked in it, but also with great public advantage. The necessities of the poor were urgent and pressing. The means ought to be afforded them of procuring food, on the security of their little deposits, with the least possible delay. It was melancholy to know that they were in a condition to require food, by pawning their property; but the fact was undoubtedly so, and he feared that, by the present laws, the business of pawnbrokers was not so well managed as it ought to be, and that their profits were greater than was just or necessary. The Equitable-loan company would have reduced those profits, but by no means materially injured the regular pawnbroking trade. Conscious of the fairness of companies so formed, he challenged inquiry into their system, and would afford every assistance in his power to their fullest development. He would add nothing further to what he had said respecting this company, but that many of the persons concerned in it were individuals of as fair a character as the hon. alderman himself; and, after the language that the hon. alderman had used, with reference to that company, he trusted he would bring forward a separate motion for an inquiry into its proceedings. As to the revulsion which had taken place a year ago, no doubt much of it had arisen from the existence of a large surplus capital in different parts of the country, and that the mania which had arisen out of such a circumstance, had within the last two years been productive of great mischief. But, though this surplus capital had originated many absurd schemes, it had given birth to others of a most useful character. He had himself been applied to by more than fifty new companies, to become their banker; and he had as often refused, because he thought many of their schemes were wild and foolish, and sometimes doubted the integrity of the parties engaging in them. Recurring to the per-

sonal allusion which had been made to his share in these transactions, he should again declare, that he feared no inquiry. On the contrary, he challenged and courted the fullest investigation; and with respect to the character which had been given of the Equitable-loan company, he was convinced it was altogether unwarranted and exaggerated.

Mr. *Huskisson* said, that as an allusion had been made to him, it became his turn to explain what had been his conduct during the prevalence of the occurrences which were so much alluded to. The hon. member was, however, under some mistake or misapprehension, when he insinuated that he had had the least connexion with any of these speculations. He could assure him, that neither directly nor indirectly had he had the least share, or interest, in any company which had been formed in the years 1824, 1825, and 1826. He had, indeed, an interest in one of the oldest insurance companies in the country, but it had remained of the same amount during the last twenty years. It was not, however, because he held a particular situation under the government, that he felt himself disqualified from applying his private property to such beneficial purposes as fairly presented themselves to his view; but the fact was, that he had never thought of embarking in these speculations, and, with the exception of some inconsiderable shares in two canals, one of them near his country residence, and the other locally connected with his interests in another point of view, he had never been in any way engaged in these companies. If the hon. member alluded to the company formed to promote the growth of silk in Ireland, he would explain, in a few words, all the connexion he had had with it. When the parties who had projected that company came to the Board of Trade, he had specifically stated to them, that though he thought it a desirable experiment, and wished it to have a fair trial, and though, under other circumstances, he might have felt disposed to take an interest in it, yet, considering the situation he held, as President of the Board of Trade, he could not expose himself to the misapprehension that would be likely to arise from his so doing. When the parties applied to him, as President of the Board of Trade, to know what number of shares would be taken, he informed them that there must have been some misconception as to the intentions of the government, which was desirous only of giving that degree of countenance to the experiment, which might facilitate the object of giving employment to a large portion of the population of Ireland. Such was the nature of this application, and such the answer which had been given on the part of the government; and he defied the hon. member to point out a single speculation of any description with which he had had the slightest connexion, either directly or indirectly. He had heard with great satisfaction, the very able vindication which the hon. member opposite (Mr. Attwood) had been enabled, from his personal knowledge and individual information, to give of the benefit and utility of Joint-stock companies. It was extremely desirable that some explanation should go forth to the public, which might counteract the unmeasured condemnation which the hon. alderman had thought proper to pronounce upon those companies. If there was any one circumstance, to which, more than another, this country owed its wealth and its commercial advantages, it was the existence of Joint-stock companies. Its canals, its bridges, all its great works, had been carried on by Joint-stock companies; and it was an advantage peculiar to this country, that such important undertakings were conducted by individuals interested in their success; whereas, in other countries, where they were left to the care of the government, they were often neglected and left unfinished. Many of these works had been extremely disadvantageous to the persons who had originally embarked in them. This had been the case with respect to the New River Company. It must be admitted, that there could not be a greater benefit to a populous city than an abundant supply of pure and wholesome water. The individuals, however, by whom this project was originally undertaken, were involved in great loss: ultimately, the public had derived the greatest benefit from it, and the successors of the first projectors had been amply remunerated. The same thing had happened with respect to many of our bridges and harbours; and, in general, it might be observed, that it was one of the circumstances which distinguished this country above all others, that great and important works were conducted by Joint-stock companies, not always to the in-

terest of the parties who embarked in such speculations, but uniformly to the interest and advantage of the public. There could not, therefore, be a greater error or a greater delusion, than that under which it had been attempted to cry down Joint-stock companies as public evils. It was only in the last session, that efforts had been made to prevail on the Bank of England so far to relax its charter, as to admit of the formation of Joint-stock companies, with a view of rendering the business of banking less hazardous, and the example of Scotland was cited, where there was no impediment to the formation of such companies. The worthy alderman had talked as if the formation of Joint-stock companies for the purpose of carrying on the business of mining, was a new discovery. He, however, could tell the worthy alderman, that all the great mining works in this country had been carried on, time out of mind, by Joint-stock companies. The mines in Cornwall and in Wales had been conducted by such companies. It was a most mischievous policy to attempt to discourage persons from embarking in such speculations, which were, in a great majority of cases, calculated to advance the public interest, or to take away the character of a man for having so done. He would not dispute that there had been many bubbles, as they were called, which reflected disgrace upon those who had concocted them; but he must repeat, that many of the projects which had been formed were likely to conduce, in a large degree, to the public interest. That the late bubbles, as they had been termed, were disgraceful to those who were connected with them, and who knew them to be bubbles, no man could deny; and whenever they should be brought under the consideration of the House, he would raise, as he always had raised, his voice against them, as schemes fraught with fraud in some instances, and with hazard and obvious folly in many others. The worthy alderman had particularly mentioned the Brick company, the Milk company, and some others of a similar description. Of these and other wild schemes, he had already expressed his opinion in that House; and he had warned the public against connecting themselves with schemes which had evidently no other foundation than the folly or avarice of the projectors. He wished that the law could prevent parties from engaging in such delusions, and he was quite ready to agree with the worthy alderman, that where fraud could be proved, it ought to be punished; but while he so far concurred with the worthy alderman, he could not join in the clamour against a principle, which was one of the great foundations of our commercial prosperity, and which he considered essential to the best interests of the country.

Colonel *Davies* said, that having been connected with one of those companies whose origin and conduct were now the subject of debate, he meant the Equitable-loan company, of which he had been a director, he hoped he might be allowed to offer a few observations, with reference to what had fallen from the hon. alderman regarding that company, and those with whom he had the honour to act. The hon. alderman had said, that every individual connected with the Equitable-loan company had carried on a base traffic in the shares. If this accusation were meant to apply to him, he must take leave to tell the hon. alderman, that it was false. The hon. alderman had added, that the company had been got up for fraudulent objects, and that all those connected with it must have known, and did know, that such was its character. If this imputation were levelled at him, he must assert that it was, in like manner, false and unfounded. He had become connected with the company, because he considered it of a beneficial character; but he had never trafficked in shares; and every engagement that he had entered into, in reference to it, he had fulfilled.

Mr. *Hudson Gurney* said, he did not rise to oppose the right hon. gentleman's amendment, as he must imagine he had well weighed its bearings and its consequences, and adopted the course he had taken as least objectionable in a choice of difficulties; still he could not but think it of most questionable precedent. The Arigna company was a very limited and strictly private association. The only parliamentary inquiries into transactions, supposed to be fraudulent, of which he was aware, were in the cases of the Charitable Corporation, and the South Sea. Both of these were public bodies. The South Sea founded on an arrangement of the Public Debt. The ministers of the Crown were parties supposed to be implicated; though the Directors were

those sacrificed to appease the public discontent. There was then no parliamentary inquiry into the private bubbles, gross as they were.

The only object the right hon. gentleman's amendment seemed to compass, would be the giving the hon. gentleman opposite the opportunity which he demanded of vindicating his own conduct, and repelling what appeared to him, as singling that hon. gentleman out—who was very slightly concerned in a general infatuation—as a most unfair and invidious attack. Now, as to the jurisdiction of the House of Commons in this case, it was undeniable, that the names of members of parliament had been put forward in these schemes in a most disgraceful manner. But all that the House could do, was to send a member back to his constituents. There had been a dissolution of parliament since these transactions, and without the record of a verdict of a court of justice—obtained since such members re-election—he did not see how the House could deal with a member of the last parliament, as to any matter which had occurred previously to his return to the present one.

But the real evil was the state of the law relating to partnerships; and he did hope the government would seriously turn their attention to its emendation, so as to ensure some degree of safety to those who might be willing to adventure *bonâ fide* capital in such useful undertakings as were of a nature which individual means could not compass; and at the same time, to protect the public against the recurrence of such fraudulent associations as had lately prevailed—set on foot on a nominal capital—for the sole purpose of jobbing in shares.

Mr. *G. Robinson* said, he thought the worthy alderman who had brought forward the present motion must now see that the great extent of it would defeat the object which he had in view. He could not think that the worthy alderman, living as he had lived in this great city, and taking an active part in its affairs, could mean to include under one sentence of reprobation, all the Joint-stock companies which had been formed in this country. He had reprobated, and in his opinion justly reprobated, those ephemeral bubble companies, which differed as much from the companies which the right hon. President of the Board of Trade had eulogized, as light from darkness. He did not think that the eulogium which had been passed on Joint-stock companies generally was any answer to the motion, or the speech, of the worthy alderman. He had had an opportunity of witnessing the mischievous consequences of some of the late Joint-stock companies, and he believed that a grosser system of fraud and deception had never been practised in any country. The House was bound, if it had any regard for its own character—for the character of parliament was involved in that of the individual members who had been accused of a participation in these transactions—to carry its investigations beyond the scope proposed by the right hon. Secretary for Foreign Affairs. An hon. member had stated, that he had attended only one meeting as a director of one of these Joint-stock companies, on which occasion he had given them most conscientious advice, and that he had never acted as a director in any other way; but this was one of the very things of which the public had a right to complain; namely, that men of high character had suffered their names to be mixed up with these schemes, and had afterwards neglected to pay that attention to their duties, which would have operated as a check on the conduct of others. In this way many honourable men had, however innocently, rendered themselves parties to these fraudulent schemes.

Sir *C. Forbes* said, he thought the worthy alderman entitled to approbation, for having had the spirit and the fortitude to say in that House what was universally said out of the House. At the same time, he could not but express his warmest admiration of the manner in which the right hon. Secretary for Foreign Affairs had received the motion. He rose principally for the purpose of making an observation upon one of those Joint-stock companies which had been eulogized by the hon. member for Midhurst, in terms which certainly did not meet with his concurrence. It might be supposed, from the manner in which the hon. member had spoken of the Australian company, that it had been founded upon principles more liberal than those of any other company. Now, he begged leave to ask, whether this company was not founded upon a monopoly? He had received information on this subject, from undeniable authority, and he was enabled to state, that a monopoly had been granted to the

Australian company by the government, for a period of twenty years. One million acres of land, in the most fertile part of the colony, had been granted to the company, half of which they were to have the power of disposing of, on condition of expending 100,000*l.* upon it. The land was worth 5*s.* an acre, so that here was a bonus of about 250,000*l.* to the company. The committee of management in New South Wales was composed almost exclusively of members of one family, and the whole concern was, in fact, a job. With regard to the subject more immediately before the House, no man could be more anxious than he was, that the hon. member, who was most interested in the present discussion, should be able to acquit himself with honour and credit. But he felt, at the same time, that every conscientious member of that House was bound to call for the explanation which was necessary to clear up the mystery in which the transactions alluded to were involved; and he could not help recollecting, that the hon. member had not yet made any advances towards refunding the money, on his reception of which the demand for investigation was founded.

Mr. *John Smith* regretted that he was obliged to trouble the House with a few observations in consequence of what had fallen from the hon. baronet. The hon. baronet had certainly adopted a singular mode of making an attack against the Australian company. His information, he said, was confidential, and yet he had scrupled not to bring it forward, attacking all those who had had any concern with that company. He said that the whole thing was a job; but, in talking of the allotment of acres and other things, he did not appear to understand, that one of the principal objects of the Australian company was to raise a species of fine wool, which could not be procured elsewhere. With respect to the observation, that the affairs of the company had been placed in the hands of a particular family, he could only say that the hon. baronet was quite mistaken. The commissioners abroad had little or no power; for the fact was, that the whole business of the company was managed at home, and there was no part of its concerns that did not reflect the highest credit on the king's government. A most humane and successful endeavour had been made by the agent of the Australian company, to conciliate the original natives of that part of New South Wales, who had been described by travellers to have been the most savage race on the face of the earth. Through kindness and good treatment, however, many of these savages had become partially enlightened, and a considerable alteration for the better had taken place in their manners and behaviour—a fact that conveyed in a forcible manner this cheering truth, that kindness, and kindness alone, would do much good.

Mr. *Wilmot Horton* said, that as the hon. baronet had affirmed, that he spoke from undeniable authority when he stated, that the Australian company had originated in some sinister consideration, on the strength of which it was patronised by the government, he felt it necessary to rise in his place to inform the hon. baronet that he was misled, and that, whatever might be the source of his information, he would do well to distrust it in future. The company had been sanctioned on mature consideration, and the conviction that nothing could be more beneficial to the interests of the population of New South Wales. The hon. baronet had talked of a monopoly. But how could it be called a monopoly to grant one million of acres to a company, where twenty more millions of acres lay? It was proper to observe, in reference to the observations of the hon. baronet, that although this company, as well as the Canadian, and the Van Diemen's Land company, was formed under the auspices of the colonial department, yet not a single share in any of these companies was possessed by any individual connected with that department.

Mr. *Hart Davis* said, that if there was any association or company in this country, that promised greater advantages to the colony, and to the mother country, than another, that company was the Australian. It was formed upon public principles, and acted upon public principles. The directors, who were only twenty-four in number, held more than half the shares. He, as a director, had never sold a share, although they bore a high premium; and he believed he might say the same of the other directors.

Mr. *Taylor* also defended the Australian company, and said, he was convinced the hon. baronet must have been deceived by his informant.

Mr. Alderman *Waithman* observed, that it was not his intention, after the kindness with which the House had fa-

voured him before, to trouble them with any thing in the shape of a reply; but he could not abandon his motion without stating why he had no objection to the amendment. He had at first submitted that motion to the consideration of the right hon. gentleman opposite, and ascertained that he was not hostile to its object; but he had avoided any confinement of the inquiry, such as that effected by the amendment, because he wished to shun the appearance of attacking any particular individual. Agreeing, as he did, however, with respect to the propriety of the amendment, and observing that all parties in the House seemed to be of the same opinion, whatever might be the tenor of their observations in other respects, he would not have thought it necessary to trouble them with any further remarks, had not some gentleman, in the course of the debate, seemed to labour under an impression of his being disposed to condemn Joint-stock companies generally, and not those particular speculations to which he had taken the liberty of directing their attention. He had not, certainly, contemplated the necessity of guarding himself against such an inference, nor did he think it likely that any man could have supposed him guilty of such a want of discretion, as to attack, or call for condemnation on, those who had embarked their property in speculations, where the basis of the enterprise was well understood, and its objects clearly and precisely defined. He never intended to cast any imputation on such companies; and he begged to say, once for all, that he agreed, to the fullest extent, in every thing which had fallen from the right hon. President of the Board of Trade, upon the subject of those institutions which were fostered and promoted through the means of Joint-stock associations. He fully appreciated the advantage which the country, as well as individuals, had derived from the application of capital in that form; and he repeated, that his observations had reference only to those speculations which had no definite object; which were bottomed in fraud, and were solely intended to delude the ignorant, the credulous, or the unwary. With respect to the observations of the hon. member for Midhurst, upon the Equitable-loan company, he begged to premise, that all the documents upon which he had grounded his statement had been produced to the House of Lords. Another hon. member (Mr. Attwood), whose opinions and observations upon the subject of Joint-stock companies deserved particular attention, not only from his general knowledge, but from his experience upon such matters, which was certainly greater than that of any man in that House—as great, perhaps, as that of any man in the country—that hon. member had asserted, that the company to which he alluded was no delusion. He had been accused of being too vague and general in his charges; but instead of vague and sweeping observations, he had confined himself to facts; one was, that the company gave out that the directors held three hundred shares a-piece, which they altered, without any public notice, to twenty shares. He would ask the hon. gentleman as an auditor of this company, with forty-five directors, seven of whom were members of parliament, whether they did not libel an individual who opposed the company; whether the money for the insertion of that libel in a public journal was not paid for by a check subscribed by three of the directors; and whether that check was not paid by the house of the hon. member who was auditor of the company? He would here take occasion to mention, that it was the object of those opposed to the bill to prove that it never could be a public benefit. The great argument for the bill, in the original preamble was, that it would prove so; but let the House mark the hypocrisy with which the company conducted their operations. When it was found that the point was to be opposed, it was struck out of the bill. If that bill had received the sanction of parliament, no tradesman could have carried on his business with security.

The question as amended; namely, "That a select committee be appointed to inquire into the origin, management, and present state of the Arigna Iron and Coal Mining Company," was then put and agreed to; and a committee was accordingly appointed.

HOUSE OF COMMONS.

Wednesday, December 6.

ROMAN CATHOLICS—EXCOMMUNICATION BY CATHOLIC PRIESTS.] Mr. *Moore* said, he held in his hand a petition from Mr. Emanuel Hutchinson Orpen, of Dublin, on a most important subject. The petitioner complained of the power exer-

cised by the Roman Catholic priesthood in Ireland to denounce by way of excommunication, persons of their own faith, who refused to concur with them in their political objects. The dangerous character of a control of this description must be too obvious to render it necessary for him to insist upon it; and it was not his intention to enter into any details at that moment, as, in the course of the session, various occasions would arise when it might be more advantageously discussed. The House would, however, permit him to make one observation. The power against which Mr. Orpen petitioned was a power not quiescent. It was a power which was not only capable of being exercised, but which had been actually and extensively exercised, for the purpose of inflicting some of the most serious grievances to which any member of a community could be subjected. It was a power, the bare possession of which, even if it were never exercised was calculated to give to the Roman Catholic priesthood a most dangerous influence over the laity. One of the most striking characteristics of this power was its creation of that mixed system of religion and politics which had placed his majesty's Roman Catholic subjects in Ireland in that position with respect to the state, which put it totally out of their power to give security for the due exercise of whatever political rights might be conceded to them. He confessed that this consideration, with many others, impressed him most strongly with the conviction, that the Roman Catholics could give no security which would render it safe to make any further concession to them.

Mr. *Spring Rice* did not rise to oppose the bringing up of the petition. On the contrary, it was his opinion that every man was entitled to complain to that House of any grievances under which he laboured. He rejoiced, therefore, that Mr. Orpen had come to that House; and he trusted, that if petitions from other individuals of a different nature should come to the House hereafter, the hon. member would be disposed to receive them with equal readiness. The hon. gentleman had stated what was known to all; namely, that the Roman Catholic priesthood possessed the power of excommunication. The question was, whether or not that power had been carried beyond its proper exercise. That was a question which would be tried upon the evidence of witnesses on oath, when the various election petitions from Ireland came to be considered. If those petitions should be abandoned, then he would be entitled to say that no such impropriety had occurred. The hon. member regretted the combination of religion and politics. He regretted it also. Every good man regretted it. It defiled religion, and perverted politics: The error, however, was in those institutions which persevered in connecting them. In the laws which withheld their civil rights from the Catholics, might be traced the origin of the evil complained of.

Mr. *James Grattan* said, he could not hear the allegations of the petition without declaring in his conscience, that he did not believe that the power possessed by the Catholic priesthood had been exercised to the extent alleged. He knew it was utterly impossible to disconnect the subjects of religion and politics in Ireland; but he believed that the opposite party was liable to a similar imputation. If the Roman Catholic priesthood exercised their influence with the Catholic laity, for political purposes, there could be little doubt that our own clergy exercised their influence for similar objects. He regretted that the hon. member should have indulged in a tirade against the Catholics, on grounds which, in his opinion, were wholly untenable.

Colonel *Torrens* observed, that the hon. member who had presented the petition had uttered one sentiment, which he would never hear in silence. That sentiment was, that the Catholics could give no security which would render it safe to make any further concession to them. What security was required? If the legislature gave them political power, would not their love of that power induce them to retain it by their conduct? If the sentiment of the hon. member were largely acted upon, it would tend directly to the dismemberment of the empire.

The Petition was then brought up and read. It stated the outrages and atrocities which had, at various times, been committed in Ireland, and which it imputed principally to the influence of the Roman Catholic priesthood; and it prayed, that henceforward, any person denouncing an individual by way of excommunication, or pronouncing an anathema upon him, should be subject to a penalty of 20*l.*, recoverable by civil bill before the assistant Barrister; and that any individual so ag-

grieved, might sue besides for special damages. On the motion that the petition be printed,

Mr. *Spring Rice* put it to the hon. member, whether any good could arise from printing and circulating such a petition. It might produce much heat and irritation; and he trusted, therefore, that the hon. member would withdraw his motion.

Mr. *Moore* maintained, that the statements in the petition were incontrovertible. He wished them to be fairly placed before every hon. gentleman. He was not conscious of having pronounced the tirade which one hon. gentleman had imputed to him. He had merely asserted that which was as notorious as the sun at noon-day, that the Roman Catholic priesthood possessed the power described in the petition. He did not blame them for exercising that power. They had a spiritual duty to perform, and he gave them credit for performing it conscientiously. But that was the very state of things he complained of. The performance of such a supposed duty was calculated to occasion extensive mischief. He was surprised at the warmth with which the hon. colonel had made almost reproachful observations on what he had stated respecting securities; and he was satisfied that what he had advanced on that subject could not be controverted. If it were established that the Catholics could not give any securities for the proper exercise of whatever civil rights might be conceded to them, that, he presumed, would immediately determine the question. The necessity of securities had been maintained by all our wisest and greatest statesmen. He repeated his opinion that, situated as the Catholics were, a further concession of political power to them was dangerous to the state.

Mr. *S. Rice* observed, that many of the burnings and massacres adverted to in the petition were as unconnected with religious considerations, as if they had taken place in this country. The petitioner charged the Roman Catholic clergy with the most enormous vices; and prayed for the establishment of a new code of laws against them. The House had the authority of the Attorney-general for Ireland, that the clergy had not contributed to the excesses which had taken place in that country. What ground, therefore, could there be for the allegations of the petitioner? He deprecated the revival of old animosities in Ireland. If that book were opened, let not the House believe that all the guilt would be found on one side. That those dreadful scenes of atrocity and bloodshed, to which the petitioner had referred, were deeply to be deplored, no one would deny; but every judicious man was anxious that they should, as much as possible, be forgotten. If, however, they were referred to, let it be for the purpose of taking such steps as might prevent their recurrence; and not for the purpose of giving a new stimulus to ancient animosities. The present petition was a firebrand; and he entreated the hon. member, as he valued the peace of his native country—as he valued his own estimation in that House, not to press his motion.

Mr. *Goulburn* thought the hon. gentleman who had just spoken, had taken a tone far beyond what the nature of the case required. Every one was aware that petitions were frequently presented, stating the opinions of individuals. In the propriety of which opinions, it was by no means necessary that the House should concur, before they allowed the petitions to be printed. Undoubtedly, he concurred with the hon. gentleman in thinking, that it would be much better, if the statements, on both sides, were calmly and dispassionately made, and that all parties would consult their true interest by such conduct. But, to select one petition for reprehension, on this ground, while petitions, equally objectionable, on the other side, were allowed to pass without observation, would not be much to the credit of those by whom it was done, nor make a very favourable impression on the public mind of the justice of their cause.

Mr. *Abercromby* said, that the right hon. gentleman had mistaken his hon. friend, who had merely urged the good sense and good feeling, under the circumstances of the case, of not giving circulation to the allegations of the petition, by ordering it to be printed. His hon. friend's first statement was, that the petition referred to a subject which was about to undergo the investigation of committees, before whom witnesses would be examined upon oath. That being the case, and the matter being one with which the House at large could be but very little acquainted, it was surely not too much to ask the House to withhold printing a petition, not from a body, but from an individual, containing statements calculated to make a

strong and premature impression. Let it be recollected, that the question about to be considered and determined was a novel, untouched, untried, question; and, therefore, that all possible pains should be taken to avert from it every thing tending to the creation of an undue and injurious prejudice. In the appeal, therefore, which his hon. friend had made to the hon. member by whom the petition had been introduced, he most sincerely concurred. He would venture to say, that no person in that House contemplated the approaching discussion on the state of Ireland with a more intense feeling of anxiety than he did. To him it appeared to be most expedient, that this new parliament should come to the discussion of that great question with minds free from prejudice; and, above all, that they should be fully sensible of its immense and vital importance. For twenty years, he had attended every discussion in that House on the Catholic question, and had, on every occasion, voted in favour of Catholic emancipation. During that period, he had frequently been in Ireland. He had also been in Ireland since the last agitation of the question; and he declared that he had never returned from that country so deeply impressed with the urgency of carrying that measure. He was convinced that it was their most serious duty to take every means, if it was not yet too late, to save the integrity of the empire. So feeling, he asked the House if the subject was not one which required the calmest consideration? He trusted that others would be of the same opinion; and he intreated the House to enter upon the consideration of this great question, whenever it should be brought forward, with reference only to what was the existing state of Ireland in the year 1827, and to what was the mildest and best course which an honest parliament could adopt. Nothing which had recently occurred in Ireland had altered his view of the great merits of the case, or had shaken his opinion in favour of Catholic emancipation—a measure which he had always thought desirable, and which he now thought absolutely necessary. He implored the hon. member for Dublin, not to be instrumental in any act calculated to excite prejudice and animosity. For himself, no person had ever more uniformly set his face against violence and intemperance on either side of the question.

Mr. Secretary *Peel* would not say a word on the great question alluded to. Whenever the subject came regularly before the House, he should be prepared to discuss it to the best of his ability; but until then he would avoid all allusion to it. This, however, he would say, that he most sincerely believed that the parties on both sides would consult their best interests, by abstaining from all exhibitions of violence and intemperance. Confining himself to the simple question before the House, he could assure the House, that the advice which he should give on the occasion would be given on principle, and without considering from which side of the House, or from what party, the petition emanated. On looking at the petition, he found that it was the petition of a single individual. Now, every individual had an undoubted right to communicate his sentiments to the House in the form of a petition; but the House had also an undoubted right to abstain, if they thought proper, from giving those sentiments publicity. He found, in this petition, that a certain class of persons were said to be "notorious for their avarice, drunkenness, and debauchery." Now, he certainly did not think it fair, that, under the pretence of petitioning that House, any individual should be enabled to give circulation to statements affecting the personal character of others. He therefore joined with the hon. gentleman opposite in expressing his hope that his hon. friend would not press the printing of the petition. When an individual abused the privilege of approaching that House by petition so far as to indulge in calumnies on the private character and conduct of others, and to introduce treatises on political questions, while the House allowed him the right of presenting his petition, they ought to exercise their own right of refusing to give circulation to that petition at the public expense.

Mr. *Moore* observed, that he conceived he should not have performed his duty if he had refused to present the petition, and indeed, with the exception of the single sentence which had been animadverted upon by the right hon. gentleman, it appeared to him to be unobjectionable. It was far from his wish to be instrumental in placing any statement on the records of the House which might have the effect of creating any unfair prejudice on the minds of any of its members when this most important question should be brought under their consideration. He would not there-

fore press his motion for the printing of the petition.

The motion was accordingly withdrawn.

EXPORTATION OF MACHINERY.] Mr. *Hume* presented a petition from the Machine Makers of Manchester, praying for an alteration of the law prohibiting the Exportation of Machinery. The hon. member said, that the petition involved a principle of very great importance to this country. He recollected hearing the right hon. gentleman at the head of the Board of Trade say, that he hoped the day would soon arrive when the word "prohibition" would be expunged from our commercial system. He perfectly agreed with the right hon. gentleman in the sentiment, and he appealed to him whether it was right to continue a system of prohibitions with respect to machinery, when he was endeavouring to abolish that system with regard to every other article of industry? The object of the petitioners was to obtain a repeal of the law which prohibited them from exporting the produce of their ingenuity and labour to the markets that would afford them the best remuneration or reward. This object, at all times just, was rendered infinitely more necessary now that the markets at home did not afford a demand for their industry. The petitioners declared themselves to be totally out of work, and in a state of absolute starvation; the British manufactures affording them no employment, and the foreign markets being shut against them, by the prohibitory system persevered in by ministers. Every man was now allowed to export the produce of his industry to where he could find a purchaser, except the unfortunate maker of machines. The consequence of this was, that the machinists of England were in a state of destitution, whilst their sufferings were increased by a knowledge that it was in the power of ministers, by opening their trade, to relieve their distresses. Those who opposed the exportation of machinery were like those who had opposed the opening of every other trade, in order to augment their individual gains, and to secure to themselves a monopoly. He might illustrate the truth of this by referring to many trades, but particularly to the silk trade. The persons engaged in that trade had done every thing in power to persuade the country and the government, that removing the prohibitory laws would ruin the whole silk trade of England. Ministers, however, had persevered in their enlightened views; and so far from the English silk manufacturers having been ruined, they were even benefitted by the new system. The opposition to the exportation of machinery arose from the same narrow views and personal motives, and he did not see why the government should not extend their principles to that branch of our industry. The House had been so strongly impressed with the impolicy and injustice of preventing British artisans taking their capital and ingenuity out of the country, that they had come to a unanimous resolution of allowing artisans to export themselves wherever they pleased. The rational consequence of this measure ought to be, that artisans should be allowed to export their machinery as well as themselves. If the exportation of machinery were to be prohibited, artisans would export themselves to an extent to prove highly injurious to the country. The effect of the law, as it now stood, was to encourage the emigration of our most useful machinists. No apprehension could be entertained of foreigners being enabled to rival us in manufactures by obtaining our machinery, for it was in large works that required the use of machinery, in which our supplies of coal and iron, our canals and our large capital, gave us the advantage over foreign manufacturers. In works that required little combinations of capital, and only the application of small machines, foreigners might rival us. Labour in France, considering the relative value of money, was almost as dear as in England. The law, as it now stood, was so contrary to good policy, that it could not be carried into effect; and it accordingly operated solely as a bounty upon the smuggling of machinery out of the kingdom. The law in its details was most absurd. He expressed his most anxious wish that it might be speedily abolished, and moved, that the petition be brought up.

Mr. *Huskisson* appealed to the hon. member, whether a question of such vast importance could with propriety be discussed at a period when thousands of manufacturers were either out of employ, or but partially employed? He assured the hon. member, that if a bill were to be introduced, which had for its object the abolition of every restriction upon the exportation of machinery, it would be pro-

ductive of serious alarm in the manufacturing districts, and would give rise to the presentation of numerous petitions from all parts of the country to that House. He trusted, therefore, that the hon. member would confine himself to the presentation of the petition, and would not follow it up with any specific motion. It had been generally agreed, that some alteration in the law respecting the exportation of machinery should take place; and the question having been agitated some time ago, a regulation was made, giving to the Board of Trade a discretion, as to the kinds of machinery which might or might not be exported. The discretion thus vested in the Board of Trade was of a most disagreeable and unpleasant nature. It was, moreover, liable to this objection, that in whatever way the Board of Trade decided, the party refused the right of exportation conceived himself injured and wrongly dealt by. Upon this ground alone he felt the necessity of establishing some fixed and settled principle of exportation and prohibition of all articles of machinery. He had himself endeavoured to lay down a rule by which the discretion vested in the Board of Trade should be regulated; and that principle was—that where machinery was of great bulk, and contained a great quantity of the raw material, no objection should be made to exportation, as he considered that no injury could be done to the country by it. But where machinery was of modern construction, and depended mainly upon the ingenuity and excellence of the mechanism, and where the raw material used was trifling, then the exportation of such machinery was prohibited. It was a notorious fact, that many manufacturing establishments were at this moment standing still, under the expectation of obtaining machinery from this country. Under such circumstances then, and particularly in the present state of the manufacturing interests, he implored the hon. member not to agitate the question at this period. He had no objection to the petition being brought up and read, and, if necessary, printed; but he did not wish it to go forth to the public, that the whole law with respect to the exportation of machinery might be safely repealed.

Mr. *Littleton* protested against the sweeping doctrines laid down by the hon. member for Aberdeen. As a representative of a large manufacturing county, he would say, that if such doctrines were to go abroad, and to be acted upon by that House, the greatest alarm would be created throughout the country. He meant nothing offensive to the hon. member for Aberdeen, when he stated with confidence, that the alarm existing among the manufacturing interests was not at all diminished by the fact, that that hon. member had taken the lead upon this important question. There was not any one great town in England, from Nottingham downward, that did not entertain alarm at, and that had not expressed a wish to be exempted from, his measures relative to trade. For himself, he thought it a most difficult question for any person, or set of persons, to define the kinds of machinery which might be exported, and those which were to be prohibited. Under this impression, he thought that the most advisable course would be for the right hon. gentleman to present the skeleton of a bill, accompanied by schedules of the allowed and prohibited machinery, and to refer that bill to a select committee, who should have the power of filling up the blanks. That a revision of the law was necessary was beyond all doubt; because as it now stood, though the exportations of certain machines was prohibited, yet it was much doubted whether that law prevented the exportation of the same machinery in parts. Upon this question of the exportation of machinery, a memorial had been some time since presented to the Board of Trade, from the Chamber of Commerce of Manchester, containing such sound and practical arguments against indiscriminate exportation, that he wished it was possible to have it printed and laid before the public. That memorial stated, that if the finer and more ingenious parts of machinery were allowed to be sent abroad, the artisans and manufacturers would soon emigrate after them. He hoped the hon. member would not follow up the petition with any motion on this delicate and important subject.

Colonel *Torrens* said, that, although he agreed in principle with those who looked upon free trade as a great advantage, he was far from going along with them to the extent to which they proposed to carry it. He thought that the principle of free trade must be ever limited by another principle; namely, the policy of each country reserving to itself the sole benefit of those exclusive advantages, which, either from nature or by acquisition, it might enjoy.

Why should we not take advantage of the materials which were placed exclusively in our hands, and confine the enjoyment of them to ourselves? We had, for instance, coals at a cheap rate from our mines. He had some time ago been told by a manufacturer on the Seine, that he could not work his steam-engine, on account of the dearness of fuel. Now, he thought that if a duty of fifty per cent were levied on coals exported to the continent, it would produce two good effects. In the first place, it would, to a certain extent, benefit our revenue; and in the next, it would prevent the foreign manufacturer from competing with us. He was, generally speaking, a friend to free trade. But, in every science, there must necessarily be exceptions. There could be no universal principle applicable to all circumstances. Now, it was admitted on all hands, even by the hon. member for Aberdeen, that we made better machinery than our rivals; that they could not compete with us in that branch of art; and that our manufactures were, in consequence, cheaper and better. If such was the case, he would ask, why we should give up our exclusive advantage? He would contend, that we ought to keep, with a firm hand, all our exclusive advantages, because they evidently ministered to the wealth and the prosperity of the country. The country was now, as it were, in a storm, and we ought to keep the ropes tight, and let nothing go, until fair weather came round again.

Sir *H. Parnell* did not conceive that any mischief could arise to any branch of our trade or commerce, by the exportation of machinery of whatever description. The use of that machinery would enable other countries to increase their wealth, and we should ultimately derive a proportionate benefit from such increase. It appeared to him unjust to withhold this liberty from the manufacturers of machines. They formed a large class of the community; and he could not see why their interests should be sacrificed to those of other manufacturers, the produce of whose industry was expor ed.

Mr. *Baring* said, he thought that it would conduce to the economy of the time of the House, if hon. members would avoid making long speeches upon presenting petitions, and reserve themselves until the specific questions to which such petitions related came properly under their consideration. It would, in his opinion, be much better to adopt this course than to fatigue the House, night after night, with arguments and disputations without end. The opinions just delivered by the hon. member for Aberdeen, he was sure he had heard him repeat more than twenty times before; and he could not but think, that they would better suit a discussion upon a specific measure. He was, however, pleased that this debate had taken place, as it had called forth a gentleman whose talents promised to be a great addition to those who thought with him. It had been for so long a time the habit to look upon any man as a Goth who dissented from the modern doctrine of political economy, that he could not help congratulating the House upon the accession of the hon. member for Ipswich (colonel Torrens), and he hoped to find that hon. member frequently coming forward, upon his side of the question. It was true that the heavier articles of our machinery, such as cylinders, wheels, &c. were exported without injury to our trade or commerce. They were composed of a large quantity of the raw material, but the articles proposed to be prohibited were, as far as the material was concerned, of trifling value, and were only prized because of the ingenuity and skill exercised in their construction. As the law now stood, however, it was almost impossible to define what might and what might not be exported; so that, after all, it would be most advisable to appoint a board, who should have power to regulate the whole question of the exportation of machinery. If we were driven to the question, of an unqualified exportation, or a total restriction of machinery, he, for one, should prefer the latter. But we were not driven to this extremity; and the best course would be, to appoint a proper tribunal, which should have the power of deciding the articles of machinery which might be exported, and those which ought to be prohibited.

Mr. *Warburton* was of opinion, that the discussion of such an important subject as this ought not to be confined to one field-day, but that it ought to be frequently brought under the consideration of the House. The speech of the hon. member for Ipswich rested entirely on the assumption that this country possessed a monopoly of the more ingenious machinery, and therefore ought to enforce

it. Now, he denied that this assumption was correct, and therefore his argument went for nothing. The fact was, that nine tenths of our machinery was open to all Europe, and there remained only one tenth for the protection of which we had to struggle. But even if we had that monopoly, how could we hope to retain or enforce it? How could we prevent persons from copying the different models of that machinery which were regularly given in our Encyclopædias and other publications? The fact was, that by this monopoly we were sacrificing a certain profit for an uncertain gain. He trusted that no specific measure would be introduced upon this subject, but that the regulation would be left as it was at present with the Board of Trade. He could not help expressing his surprise, that the people of Manchester, who had been the first to petition for a free trade in corn, should have lent themselves to the getting up of such a memorial as that alluded to by the hon. member for Staffordshire (Mr. Littleton), relative to the exportation of machinery.

Mr. Secretary *Peel* said, that when the hon. member for Aberdeen, in the last parliament, had expressed his determination to introduce a measure for the repeal of the present law, he had urged him to postpone it, because he thought it was due to the feelings of the manufacturers not to make so great an alteration at that particular time; and, in his opinion, the present was as little suited for such an experiment. They had been told that it was quite absurd to continue this law, and to prohibit the exportation of machinery, because drawings of the different machines were to be found in the Scotch Encyclopædia. But, since the year 1821, when that Encyclopædia was published, many improvements had been made in those machines. [Mr. Warburton, "Then they are secrets."] Then, if they were secrets, why should not the country profit by them as much as possible? This was a question which ought not to be hastily taken up. They had already had some experience of the ill effects attending a precipitate decision on long-established laws. When the hon. gentleman brought forward the repeal of the combination laws, he laid down some broad general principles, which sounded very well. He called on the House to put the master and the journeyman upon the same footing; and he inveighed against the then existing law as a mass of absurdity. But, what was the result? Why, in about ten months, having become wiser by experience, they found it necessary to retrace their steps. They did not, it was true, go back to the old laws; but they were obliged to adopt new ones, to remedy the defects of the measure which was to have wrought wonders. The right hon. gentleman stated, that he fully agreed in the expression of satisfaction that had fallen from an hon. member opposite, as to the conclusive and able statement made by the hon. member for Ipswich (colonel Torrens) respecting the true principle on which our commercial policy should rest.

Mr. *Bright* observed, that the effect of particular systems of law was frequently over-rated, their real operation being ascertained correctly, as soon as they were repealed. Such had been the case with the combination laws; and, as soon as the statutes forbidding the exportation of machinery should be abrogated, it might be found that they had materially contributed to the protection of the manufacturer. He trusted that, in the present session, the true principles of political economy would be better understood, and that no sudden change in the existing law would be attempted.

Ordered to lie on the table, and be printed.

HOUSE OF COMMONS.

Thursday, December 7.

EMIGRATION.] Mr. W. Horton presented petitions from Glasgow and Calton, in favour of Emigration, as a measure necessary for the relief of the distressed manufacturers.

Mr. *Hume* hoped that ministers would be prepared to introduce some measure on the subject, as it was one in which thousands and tens of thousands were interested.

Mr. *Wilmot Horton* said, he was on the point of rising to give notice, that on the 15th of February, he would move to renew the committee on emigration, which had sat during the last session. He assured the hon. member, that it would not at all forward his object to force a decision on the subject at the present moment. The individuals who desired to emigrate could not be removed at this season of the year with any advantage to themselves. The

subject of emigration was so extensive in its nature, that the House ought to have the fullest information upon it.

Mr. *Abercromby* contended, that government ought to come forward with some specific plan for the relief of the thousands of artisans who were now starving in different parts of the country.

Mr. *J. Grattan* agreed with his learned friend, that some more explicit declaration was wanted from government. He did not entertain any great hopes of advantage from the renewal of the committee which had sat last session. Indeed, the opinion of that committee, as far as it could be collected from their report, was adverse to emigration.

Mr. *W. Horton* dissented from the assertion, that the report of the committee held out no hopes of advantage from emigration. He knew not what better evidence could have been collected than that which was collected by the committee, to throw light upon this important subject. He hoped that the next committee would be able to propose some temporary measure, which would in no way interfere with any permanent measure which it might ultimately think proper to adopt.

Sir *James Graham* said, it was evident, from the correspondence into which ministers had entered with the editor of the "Glasgow Free Press," that they were favourably inclined to the system of emigration. He was sorry to find that they were ready to see thousands of their fellow countrymen seeking to be exiled from their native land. The system of emigration was contrary to the spirit of our laws, and opposed to many of our most ancient regulations. He admitted, that it was necessary to do something to relieve the distresses under which so many of our artisans were at present sinking. He was sorry to inform the House, that since the petition from Carlisle had been presented, he had received accounts, stating that their distress was increasing daily. He could state to the House, that the hand-weavers did not at present receive more than 5s. a week; for which sum they laboured fourteen hours a day. They were most of them a year's rent in arrear, and were therefore liable not only to have that small portion of their property which remained unpledged, sold to defray the claims upon them, but to be ejected from their tenements. Their diet was of the humblest description, oatmeal and potatoes, and their whole appearance showed that they were reduced to an extremity of want. In fact, there were thousands and tens of thousands of them on the verge of starvation at that moment. He was not going to examine into the causes which had led to this distress; but he believed, that one, and perhaps the chief, was placed beyond the reach of parliamentary interposition: he alluded to the improvements which had been recently made in the power-looms. The hand-weavers could not be converted into power-loom weavers, and they were thus compelled to continue a hopeless struggle with power-loom weavers, at a rate of wages which was regularly decreasing. Under those circumstances, some special remedy ought to be applied by government to the distresses of the country. He thought they were so great as even to justify a grant of public money to relieve them.

Mr. *Warburton* wished to be informed how, under the present system of our Corn-laws, the corn grown in the colonies was to be sent to England to pay the quit-rent, which was to re-imburse the government for the expenses it might incur in carrying emigrants to the place of their destination.

Mr. Secretary *Peel* deprecated the continuance of the present discussion. It was of great importance that hon. gentlemen should keep their minds open to information on this subject, and that they should not pledge themselves to opinions now, which might, by possibility, fetter their judgments hereafter. There were many points connected with the subject of emigration, into which it would be incumbent on the House to examine before it came to any determination. They must consider; first, how far emigration would be available to meet the distress which now prevailed in this country on account of the population being greater than the demand for labour; and secondly, how far the encouragement of emigration would affect the interests of the colonies. It might be impossible to incur the expense of relieving the distress of the country by emigration, and when it was recollected, that an expense of 20*l*. was to be incurred for each emigrant, it could not be expected that the excess of the population could be sensibly relieved by emigration. One might, however, see an advantage in supplying the waste lands

in the North American provinces with an active population, inasmuch as it would create an increased demand for British manufactures. There would also be, in his opinion, a great advantage to the colonies by encouraging emigration upon a large scale, even though it might not mitigate the distress of the mother country. He was sorry that the hon. baronet had fallen into the fallacy which had been so ably exposed on a former night. He had said, that there were at present many individuals who were willing to place themselves in the same situation with convicts, and who voluntarily asked for that exile which the law attached as a penalty to great crimes. Now this was not the case. The exile into which the petitioners wished to enter was very different from that to which convicts were consigned. In the first place, the exile of the convict was a punishment, and inflicted upon him legal infamy. He went out stigmatized by a conviction for crime, and not as a free settler. His labour was not his own; but was appropriated to another individual who paid him no wages for it. On the other hand, so far was the exile into which the emigrant went from being considered as a punishment, that many individuals who were in possession of a small capital, and by no means in a state of distress, had made application to the government in the following style:—"Give me a grant of a hundred or two hundred acres, and I will transport myself and family to Canada, because I feel that I can turn my capital to greater effect in that country than I can do here." Individuals who made such applications scarcely considered themselves exiles, and certainly ought not to be described as individuals placed in the situation of convicts. It was the repetition of this extravagant argument that had induced him to rise upon this occasion, and to intreat gentlemen not to pledge themselves to any hasty opinions on the subject of emigration, until they had read the report of the committee upon it, and the evidence attached to that report. The information which colonel Cockburn had given to the committee was particularly valuable, from the knowledge which he possessed on the subject, and well deserved the attention of hon. gentlemen.

Mr. *Maberly* trusted that ministers would take the advice which had been tendered to them by the hon. baronet, and would depart from the rule which they had laid down three sessions ago. On a motion which his hon. relative had then brought forward respecting the best mode of relieving the distress which prevailed in Ireland owing to a redundancy of population, it had been laid down by ministers, that the interference of government, in the way of an advance of money, was highly improper. He contended, however, that where there was a redundant population, it must be relieved by an advance of capital, otherwise it could not be got rid of. A special remedy was required for a special case of distress; and more inconvenience would be occasioned to the country, in the present instance, by adhering to fixed rules, than would be occasioned to it, in other instances, by departing from them.

Mr. *Benett* contended, that it would be better to put the waste lands of England into cultivation, than to send our population abroad to engage in similar employment. The waste lands of England, would long since have been cultivated, had it not been for the embargo of tithes and taxation which was laid upon them. He thought it extraordinary that, at a time when we had eleven millions of acres ready for cultivation, we should send our population at the expense of 20*l.* a man, to cultivate the woods and deserts of Canada. He believed that nothing was wanted in Ireland but the security of life and property, to rescue the waste lands of that country from their present uncultivated state. If life and property were rendered secure in that country, English and Scotch capital would soon flow in. He objected to the project of emigration, and thought that the inquiry into the propriety of it, should be postponed till after the discussion of the Corn-laws. If the prayer of the numerous petitions which the hon. member for Aberdeen had presented should be granted, the House would have a number not only of manufacturing but also of agricultural labourers, praying to be banished from their country. He trusted, however, that both classes of labourers would soon find employment in their native country, and would long remain in it, adding to its wealth, and increasing its resources.

Mr. *W. Horton* said, that if the hon. member would allow him, he would propose him as one of the committee; and he had little doubt, but he would soon be con-

vinced, that it was much better that persons should leave this country to cultivate the richest lands in some of our colonies, than remain here to cultivate the worst.

Ordered to lie on the table.

CAPE OF GOOD HOPE—CONDUCT OF LORD CHARLES SOMERSET.] Mr. *Hume* rose for the purpose of calling the attention of the House to a subject, into which justice to the complaints of the colony, and to the character of the individual who was accused as the author of those complaints, required that it should institute an immediate inquiry. Many members of the House might not, perhaps, understand the course which had been adopted with regard to the Cape of Good Hope. In the year 1822, in consequence of the reports which had reached England respecting the misgovernment of that colony, the House had presented an address to his majesty, requesting him to appoint a commission to inquire into the state of that colony, as far as regarded its revenue, its institutions, and the conduct of its governor. On a motion which he had made last session, the instructions sent to the gentlemen who formed the commission were laid upon the table. He was not going, on the present occasion, to question in any respect the propriety of those instructions, though he could not help remarking, that three years and a half had elapsed without the House receiving any information as to the labour of the commissioners, except in one solitary case, into which it appeared that they had instituted some inquiry. Neither was he going to complain of the conduct of the commissioners, though from statements which had been forwarded, and in some degree authenticated, to him, he was inclined to question the propriety of their conduct. He was anxious, that the hon. Secretary opposite would state how the House stood with regard to the inquiry into the conduct of the noble lord who had come home from his government in order to meet it. There were various circumstances which rendered an inquiry into the conduct of the governor of a distant colony a matter of considerable difficulty. There was an imperative necessity for investigation. At present, they had nothing but *ex-parte* statements before them, and they were really ignorant of the situation of the colony, either with respect to the inquiry which had been going on, or to the complaints which had been made by individuals. It was stated last session, that leave would be given to lord Charles Somerset to come home, for the purpose of meeting the charges that had been made against him, and they were now, he thought, in a situation when the House ought to ascertain what was meant to be done. In presenting a petition on this subject last year, he had inquired whether certain persons, colonel Bird and others, would be prevented from returning to the Cape, in order that they might be forthcoming to give information which might tend to exculpate or criminate the noble lord. The evidence of those persons was most material; but nevertheless they were sent back. It was quite impossible for the noble lord to retrieve his character, or to return to the colony, unless some proceeding were adopted in his case. He would, therefore, ask the hon. gentleman in what state they now were, or what course ministers meant to adopt with respect to the noble lord? It was fit that the noble lord himself, and the numerous persons sent from the colony, and who sought for redress against the noble lord, should be made acquainted with the course which it was intended to pursue. Therefore, to accelerate the period when this inquiry should take place, he begged leave to ask ministers, whether they had made up their minds as to when that proceeding should commence? It was necessary that an inquiry should be instituted, and that, too, speedily, that the noble lord might clear his character from the aspersions that had been thrown upon it, and the charges which had been brought against him, as well as to do justice to the interests of various individuals in the colony. There were, certainly, suspicious circumstances attending the conduct of government in this affair. If he was rightly informed, colonel Bird, instead of having been kept here to give evidence, had been sent back to the colony, and pensions granted to him and certain members of his family; for what reason he could not conceive. If this was the case, suspicion certainly rested on the conduct of those who ought to see impartial justice administered. If the answer given to what he now asked was not satisfactory, he would then proceed to state such information as he had acquired on the subject.

Mr. *Wilmot Horton* said, that the course taken by the hon. gentleman was so very

extraordinary, that he scarcely knew how to meet it. On a former night the hon. gentleman had stated, that he would move for certain papers, and he had informed him, that ministers would grant some of those papers, and state their reasons for refusing the remainder. But now the hon. gentleman shifted his ground, and wished to know what ministers meant to do with respect to the general inquiry. Did the hon. gentleman think that the commissioners had done nothing? Did he suppose that they had made no inquiry? There were on their table 230 closely printed folio pages, on a case which had occupied that House three or four times, and on which several discussions had taken place. The hon. member had expressed his opinion on that case, and had stated that he was prepared to support it. He alluded to the case of Mr. Bishop Burnett. The investigation of that case had cost the country many thousand pounds. It had detained the commissioners at the Cape half-a-year longer than they would otherwise have remained there. No pains had been spared in that investigation; and here were the means, if gentlemen would read these papers, of deciding on this case, as clearly as any inquiry, or combination of inquiries, which the wit of man could devise, would enable them to do. Was it, then, intended, after this proceeding, that the case should be thrown aside, and that they should go into an indefinite inquiry without any specific facts before them? The hon. gentleman had asserted, that he had looked into those papers, and was prepared to consider them. If so, was he ready to support the case of Mr. Bishop Burnett? Was it fit that he should call for more papers until that case was disposed of? If that case were decided in favour of lord C. Somerset—if nine cases were afterwards decided in his favour—still it would be proper for the House to entertain a tenth, if the statement of facts were sufficiently strong; but he contended, that it was contrary to the principles of justice to recede from this particular inquiry, and go into others of an indefinite nature. When the case to which he had alluded was decided, he would deny no papers for which the hon. gentleman might think proper to move, provided he laid fair parliamentary grounds for their production. As to the papers which the hon. gentleman meant to move for that night, on what parliamentary ground did he intend to rest his application? Had he, out of doors, looked into those papers; and, if so, did he find in them matter for a charge? If he did, then he was ready to give the hon. gentleman an answer. If a gentleman came forward, and said, "I have looked into this or that particular case, and it demands inquiry," it then rested with government to decide, whether they ought to grant the papers which he desired, or to resist the application, in part, or altogether. He felt that they would be doing flagrant injustice to the noble lord, after the calumnies that had been heaped upon him, by various means, and from various quarters, if they proceeded in the manner pointed out by the hon. gentleman. Would it, he asked, be worthy of that House to put aside a case which was ready for investigation, and to go into an indefinite inquiry, with respect to charges got up by any means, as to the general government of the Cape? There was no man who would not sink under such an accumulation of charges brought forward in such a manner. He did not prejudge the case of Mr. Bishop Burnett; but, before they proceeded with any other, they ought certainly to decide upon that. There was no want of information. On the contrary, there was an abundance of gratuitous information offered to the House. As a proof of which, he held in his hand Mr. Bishop Burnett's answer to the report of the commissioners; and if all the calumnies, and all the declamation which it contained, were expunged, it might be put into the shape of a memorial, and placed in the hands of members. Throughout that production, its author imputed to government the worst motives, and to the commissioners the basest feelings. He felt himself under the necessity of giving this answer to the hon. gentleman. If he moved for papers, he would agree to the production of such as could be granted with propriety, and he would state his reasons for withholding such as ought to be refused.

Mr. *Hume* said, he would now submit a motion to the House, which would enable him to point out the extraordinary conduct of the hon. gentleman on this occasion. The hon. gentleman had asked him, if he would proceed with the case of Mr. Bishop Burnett? Now, he had nothing to do with that case. He did not present the petition of that individual. It

was brought forward by the learned member for Winchelsea, who was not now present. But, suppose the whole of that case, as charged, fully proved; because an individual had acted erroneously in one instance, was he to be condemned altogether? That would be unjust to lord Charles Somerset. That case was only one of many charges against that noble lord's government. Conduct was imputed to him, for a long-continued period, which demanded inquiry. But not only did the hon. gentleman ask him to go on with this case, but he wished to father on him a book, purporting to be the answer of Mr. Bishop Burnett to the report of the commissioners. Was the conduct and character of lord C. Somerset to rest on that single case? He would answer, no; and would state his reason for demanding an inquiry. He held in his hand a list of several persons who had been banished from the colony, and who were now seeking for redress. He had stated the case of Mr. Edwards; and he was told that, having been a convict, no inquiry could take place with respect to him. But his having been a convict at one time of his life, had nothing to do with his after-conduct. With respect to Mr. Bishop Burnett, was it just to him, when he entreated leave to go back to the colony, to refuse him? Yet such was the fact. He was refused by the department with which the hon. gentleman was connected. Surely, the government could not rest contented with this half-mangled case. The cases of D'Escary and Gregg, individuals who had been banished, called loudly for inquiry. Documents had, indeed, been laid on the table, but no statement of the grounds on which these persons had been banished. There were also the cases of Mr. Francis, of lieutenants White and Clarke, of Dr. Geary, and of several other persons, and amongst them a lady, the whole of whom complained of acts of gross oppression. These complaints, coming from so many quarters, demanded a strict investigation. But this was not all. The conduct of lord Charles Somerset, with respect to his financial proceedings in the colony, deserved to be inquired into. That extravagant and wasteful expenditure which had almost ruined the colony, was a fit subject for parliamentary inquiry. Without pledging himself as to the course which he might pursue after the recess, he thought it was incumbent on ministers to bring home from the Cape many witnesses who could give important evidence in this business. He understood, that, in September last, two of the commissioners had left the Cape, and one continued there to despatch the remaining business. He supposed, therefore, that those gentlemen had arrived in this country, and that from them government would receive much additional information. This was another reason for instituting an inquiry as soon as possible. The instructions in conformity with which the commissioners were to act at the Cape directed, that they should not inquire into any cases, except those sent out from the department here, or those which were of a special nature. This, he contended, operated decidedly against a full and impartial inquiry. The commissioners ought to have been empowered to hear, generally, the complaints of the inhabitants; but that was impossible under this very partial instruction. He meant to move for the following papers:—"1. Copy of lieutenant-colonel Bird's examination, and correspondence, if any, with the Commissioners of Inquiry. 2. Correspondence between the Colonial Department and the Commissioners of Inquiry, in reference to all complaints preferred against lord Charles Somerset's Government. 3. Reports of the Commissioners on all special cases referred to their investigation. 4. List of all persons banished from the Cape of Good Hope during the government of Lord Charles Somerset. 5. Copies of Mr. D'Escary's correspondence with the Colonial Department, and the Commissioners of Inquiry."

Mr. *Ord* said, he felt it to be his duty to vindicate, as far as his abilities would allow him, the conduct of the commissioners of inquiry. He possessed no materials that would enable him to enter into a laboured defence of those gentlemen; but he must say, that the hon. member had just as little ground for making an attack on them. Nearly connected as he was, in relationship, with one of those commissioners, Mr. Biggs, any thing he might say in his favour might be attributed to partiality. He should, therefore, only state, that Mr. Biggs was as incapable of being actuated by any unworthy motive as the hon. gentleman himself. That gentleman had been employed, for many years, in important public situations, and he was admitted to have discharged the

duties of those situations with credit to himself, and advantage to the country. He had, for a considerable time, acted as judge in the island of Trinidad; he was afterwards employed on the inquiry into the state of New South Wales; and, he believed, in both situations his labours were beneficial to the public. Circumstances of ill health had prevented his recent labours from being so expeditious as some gentlemen might wish. He had met with a dangerous accident, which had for a long time confined him to his bed, and had latterly obliged him to use crutches. This might account for the delay. It was, he thought, due to Mr. Biggs, and the other commissioners, to suspend any opinion on their conduct until their reports were before the House [hear]. He was as willing as any man that they should be tried by their deeds, when the necessary documents were in readiness; and when that time came, he believed there would be found as little reason to condemn those commissioners as to condemn any other set of persons.

General *Grosvenor* was surprised at the manner in which the hon. member for Aberdeen had disclaimed the petition of Mr. Bishop Burnett. It was true that he did not present that petition; but then he spoke upon it with a warmth, and in terms, which were not called for at the time. As for the story itself, which he might fairly describe as "Bishop Burnett's History of his own Times," he thought it ought to be disposed of first.

Mr. *Wilmot Horton* said, that as the hon. member for Aberdeen appeared to have misunderstood him, it would be necessary for him to repeat a few of the observations which he had submitted to the House. That hon. member was totally mistaken if he supposed that it was his wish to get rid of this investigation with the half-mangled case, as he termed it, of Bishop Burnett. He had merely mentioned to the House the very great expense which had been imposed on the country in collecting materials for coming to a decision on this case, and he would now pledge himself, that if gentlemen would take the trouble to wade through the report on their table, they would find ample and conclusive evidence to enable them to come to a determination on this case, and it did appear to him to be a most cruel and unjust mode of proceeding that, after the charges which had been first preferred against the noble lord, had been referred for investigation to gentlemen of high character, and every way qualified to conduct such an inquiry, who had reported thereon, the House should now, instead of taking into consideration the full and minute report furnished by those gentlemen, throw it altogether aside, and receive fresh accusations against the noble lord. If the hon. member would show any parliamentary ground for calling for these documents, he would at once either consent to their being furnished, or state his reasons for withholding them; but the hon. member, instead of showing any such grounds, had contented himself with running over a list of names, and calling for evidence as to the cases of a variety of individuals, who had incurred the censure of the government at the Cape, because, forsooth, by possibility, some of these persons might have been ill-treated. No doubt charges had been made by individuals against the noble lord, and there was no wish on the part of government to throw any unfair obstacle in the way of their being fully investigated. All that was desired was, that they should be brought forward in some intelligible manner, so that the House, in entering upon the consideration of them, might know what it was called upon to investigate and decide upon. The hon. member had said, that it would be requisite to go back to the period when the commission was appointed, for the purpose of investigating the charges against the noble lord. He would remind the hon. member, that the Cape of Good Hope had been annexed to the Crown during the late war; that Dutch laws and Dutch customs prevailed there. To bring about a change in this respect, and to anglicize the colony, was, of course, a most desirable object; and it was to this that the commission owed its origin; for one system of law could not all at once be made to supersede another. This could only be effected progressively, and was a work which required great caution; and what better means could be devised for carrying it into execution without risk, than intrusting the management of it to a commission composed of gentlemen of high character and known ability? This measure was not merely confined to the Cape; it extended to the Mauritius, and to the isle of Ceylon. This was the origin and object of the commission. It was

after their appointment that special grievances were referred to their consideration. The hon. member had thought proper to impute partial and improper motives to the government, with regard to the instructions given to the commissioners. It certainly was not the intention of government—indeed it would have been highly absurd in them—to unfurl a standard in a new colony for all the disaffected to rally round. They never intended to set up a mart for grievances; but if the House would take the trouble to look over the number of cases which had been referred to, and reported on, by these commissioners, no one would regret that more ample powers had not been given them. The noble lord had been placed in a most perplexing and difficult situation. According to the oath he had taken, he was bound to govern the colony according to a law totally different, and very much inferior, to that of his native country. All the defects attendant on this system had been laid to his charge. The commission had been specially appointed for the amelioration of this law; and any communication from them relating to this object he had no objection to lay on the table; but when the hon. gentleman called for all the correspondence between these commissioners and the government, relating to various unconnected subjects, he could not but oppose so sweeping a demand.

Mr. *Hume* observed, that he only asked for the correspondence relating to the special cases which had been referred to the commissioners.

Mr. *Wilmot Horton* continued. He could not accede to this indefinite demand. If the hon. member would state a specific case—if he would pledge his character that he had examined into it, and that he thought it required the attention of the House—he would then either consent to produce the papers, or assign such reasons for withholding them as he thought would satisfy the House. But it would be a most inconvenient mode of proceeding in this particular case, and set a very bad precedent, to accumulate and huddle together a host of fresh charges, whilst they threw aside and abandoned those which had been preferred in the first instance, and on which a report had been already made. The hon. member was likewise mistaken as to the reason why a pension had been granted to colonel Bird. It had been granted him for many years of valuable service to the country; and, as to the government not detaining him in this country to give evidence, he would merely observe that it had no power to do so. He was not prepared to produce this officer's correspondence; for it seemed to him that it would be unjust to lay a private paper, received from colonel Bird, before the House, until his examination taken before the commissioners should also be adduced. With regard to Mr. D'Escary's correspondence, he could see no reason why it ought to be produced, unless it was intended to bring forward some specific charge on that case. Government were fully satisfied upon it, and did not intend to do any thing with regard to it. If the hon. member thought something ought to be done, let him bring forward some definite proposition respecting it. With regard to Burnett's case, it had been mentioned four or five times in the House, and represented as a case of the greatest hardship and oppression. That case had been fully investigated, and the House had all the materials before it for coming to a decision upon it. If it should be now thrown aside, and after the high tone which had been assumed respecting it, no one should be found to bring it forward, he for one should certainly consider it as admitted, that it had been preferred without any foundation.

Mr. *Hume* asked, to what particular motion the hon. gentleman objected.

Mr. *Wilmot Horton* replied, that he should resist, in the first place, the production of colonel Bird's examination.

Mr. *Hume* said, that as the report of the commissioners containing it was about to be laid upon the table, he would withdraw that motion. He hoped, however, that the hon. gentleman would consent to lay upon the table the correspondence respecting the special cases against lord C. Somerset. It was idle to call upon a member to bring forward a special case, when the very means of investigating it were denied. Justice could not be done without the production of the correspondence on the particular charges.

Mr. *Wilmot Horton* contended, that there was not the slightest ground for the presumption that ministers meant to impede the course of justice by refusing the papers. The charges against lord C. Somerset at present were sweeping and general. Let them be made particular; and, if sufficient arguments could be

offered, nothing should be withheld that could throw light upon the case. Government were not disposed to lay all the documents upon the table, in order that particular charges might be picked out of them.

Mr. Secretary *Peel* said, that if the House should resolve itself into a court to enter upon the consideration of every individual case, although no imputation had been cast on the report of the commissioners, it was impossible to say what papers they might be called upon to print. He would put it to the hon. member, whether it would be at all consistent with that economy of the public money which he so much advocated, to adopt this course. But it would be in the highest degree unjust to the commissioners, whom he believed to be most impartial and able men; for it would assume, that they had conducted themselves with partiality and injustice, and would consequently lower them in the estimation of the public, and embarrass them in the exercise of their functions. His hon. friend had very fairly offered, if the hon. member would take upon himself to bring forward any specific charge, either to produce the papers relating to it, or to assign a satisfactory reason for refusing them.

Mr. *Hume* said, he must admit that the proposition which had been made by the hon. gentleman was a very reasonable one; and if he had understood at first that this would have been conceded to, he would not have pressed his motion, which he would now withdraw.

ARIGNA MINING COMPANY.] Mr. *R. Martin* said, that he had a motion to make relating to a petition which had been referred to a select committee of the House against the directors of the Arigna Mining Company. An hon. friend of his (Mr. Brogden) had been one of the directors of this company, and as such, along with the other directors, had been charged by the petitioners with purchasing property for 10,000*l.*, and charging the parties for whom they purchased 25,000*l.* for it. Had his hon. friend acted in this manner, he not only deserved to lose his seat in that House, but to be sent out of the country. But he was convinced that he was incapable of having acted in such a manner. Still, this petition would have the effect of producing a prejudice against him in the public mind, which could not be removed until the committee had made their report. In order, however, to obviate this prejudice, he wished it to be known, that the number of the petitioners only amounted to four, although the subscribers to the company exceeded a thousand. That the public should know who they were, he would move, "That the names subscribed to the Petition be printed."

Mr. *Wynn* said, that if the names were printed in this instance, impartial justice required that they should be omitted in no others. At present the expense of putting petitions into type was sufficiently heavy; and if the signatures were appended, the votes would soon be as voluminous as the statutes at large. He recommended the hon. gentleman to withdraw his motion, which was now unnecessary, as the House had appointed a committee to investigate the charges against the hon. member. If it turned out that there was no foundation for the accusation, those who had brought it forward would, of course, meet with merited disgrace.

Mr. Alderman *Waithman* termed the advice given by the right hon. gentleman lenient towards the hon. mover, but argued, that it would degrade the character and dignity of the House, to allow the motion to be withdrawn. If he had attended to one branch of history more than another, it was that which related to the constitutional principles of parliament and the country, and he would venture to say, that since the Revolution, a more atrocious attack had never been made upon the rights and liberties of the subject. This was the first time he had heard, that the value of what was stated in a petition depended upon the number of the signatures, or even upon the characters of the parties. To require their publication was most improperly to obstruct the right of petitioning, and to encroach upon one of our dearest privileges. The hon. gentleman then adverted to the expulsion of sir John Trevor, in 1695, in consequence of the circulation of a pamphlet in the lobby, by one Crosfield, which complained of a gross misapplication of the public money, and quoted the Parliamentary History of the time upon the subject. The investigation went on, and one thing came out after another, until

they led to the expulsion of several members.* Again, in 1680—

Mr. *Wynn* rose to order. The hon. alderman, he said, seemed to misunderstand the question before the House, which was merely whether certain names should or should not be printed. There had been no attempt made to throw obstruction in the way of inquiry. In fact, the House had already determined, that an inquiry should take place.

Mr. Alderman *Waithman* maintained, that he was perfectly in order. He meant to conclude with moving an amendment. An attempt had been made to obstruct the right of petitioning. It was wished that the names of certain persons who had brought a serious charge against a member of that House should be published, in order to let the world know how few they were in number, and also how much they were wanting in respectability. It mattered not whether a petition was signed by one person or by one hundred, so that the facts contained in it were correct. It was an attempt to obstruct the right of petitioning, to propose to hold up petitioners to ridicule, or to expose them in any way. The hon. member had stated, that the petitioners were not persons of respectability. With respect to the privilege of petitioning, the poorest man stood upon the same footing as the richest. Previous to the revolution it was asserted, that all attempts to obstruct petitioning were illegal. The obstructing of petitioning was declared to be illegal in the bill of rights. If members were allowed to cast reflections on the characters of petitioners, and to hold them up to public contempt, the doors of the House would be barred against petitions. In 1680, the House of Commons resolved, "That it was, and ever had been, the undoubted right of the subject to petition parliament for the redress of grievances." In pursuance of this resolution, sir F. Withins and sir George Jeffreys were expelled the House, for throwing obstructions in the way of petitioning. Another objection had been made to one of the petitioners, Mr. William Clarke; namely, that he had been running about the streets, collecting information relative to this Joint-stock company. So much the better. He was, on that account, the more likely to be well informed on the subject, and his petition deserved so much the more attention. But be he what he might, even if he were under sentence of death in Newgate, he had a right to petition the House to make inquiry into any grievance which he might think worthy of its attention. But he himself happened to know something of this gentleman, and he could affirm that, on the Stock Exchange, he bore a very fair character; and he would mention a fact, which was of itself no small evidence of good character. Having lost a great deal of money in these Joint-stock companies, he was not able to meet the demands of his creditors at the time, but afterwards he paid them every shilling of their debts. He would move, as an amendment, "That it is, and ever has been, the undoubted right of the subject to petition parliament for the redress of grievances, and that to publish the names of the petitioners, with the view of bringing discredit on them, tends to obstruct that right, and to deter the subject from bringing his grievances before parliament, and is subversive of the liberties of the subject."

Mr. *R. Martin* said, that he would not have been very anxious to press his motion, if the hon. alderman had named the other three petitioners, as he had named Mr. Clarke; for walls had ears, and if the hon. alderman had done so, they would be known all over London to-morrow morning. He denied that his object was to hold up the petitioners to ridicule. His object was, to show the public, that out of a thousand persons interested, only four had petitioned against his hon. friend. There was nothing in this which went to impugn the right of petitioning. He asked, why the petition had been printed without the names of the petitioners? It was wrong—it was monstrously wrong—to print that petition without the names of the petitioners, so long before the investigation could be gone into. It had been said, that if the charges were unfounded, his hon. friend would have an opportunity of clearing himself. So he would. But when? Why, in two months from this time; and during the whole of that time these allegations were hanging over him; so that his hon. friend was punished before he was tried. The process was, to punish him first and hear him afterwards; which was exactly the same as hanging a

* Parliamentary History, vol. v. p. 881.

man first, and then trying him. He regretted that he had consented to the proposition for the retirement, for the present, of his hon. friend, from the situation of chairman of the committee of Ways and Means. He thought that neither he himself nor the House had done perfectly right on that occasion. Why had not this objection been made against his hon. friend a year ago? He was as much involved with this Joint-stock company a year ago as he was at present. He had been already tried by the most competent of all tribunals—a tribunal composed of the sufferers; and after a full and minute investigation, had been almost unanimously acquitted. He did not mean to protect his hon. friend against a fair investigation of the charges made against him. If, upon such investigation, his hon. friend could not clear himself, then "let the stricken deer go weep:" he would give him up. But what he complained of was, the prejudice which hung over his hon. friend in the mean time.

The motion was negatived.

HOUSE OF LORDS.

Friday, December 8.

Emigration.] The Marquis of *Lansdown* said, he had two petitions to submit to their lordships, which came from a part of the country with which he was not connected, but which related to a subject that, from the unhappy situation of the petitioners, was calculated to attract the serious attention of their lordships. It was, however, his duty to state, that the petitions were of such a nature that they could not be laid on the table without approbation being previously given to them by the king's government, as the petitioners prayed for pecuniary assistance to transport themselves to the British colonies in North America, or to some other part of the world, in which they might find means of maintaining themselves by their labour, instead of remaining in a country in which they could not obtain subsistence. It was an affecting circumstance, and one which could not fail to recommend the petition to the consideration of their lordships, that they came from persons who were not desirous of leaving their native land from any love of change, or any spirit of discontent, but solely from the unhappy circumstances into which the manufacturing districts had recently fallen, and which, however contrary to the habits to which they had been accustomed, induced the petitioners to seek in foreign climes the means of maintaining their families in some degree of comfort. It was not his intention to offer any decided opinion as to how far it would be proper for the government to promote emigration. At the same time, he must say, that there was no period in any country, under any circumstances, and more especially in this country, which appeared fitter for inquiry than the present. But it was for the king's government to consider well how such a measure ought to be carried into effect; on how great a scale, and under what regulations it would be right to proceed. Here, two considerations would present themselves; first, as to what extent emigration could be carried, consistently with the degree of expense which might be borne by this country in transporting a multitude of people to colonies, and with regard to the safety of the colonies themselves; secondly, to what extent any plan could be carried, so as to afford relief to the starving part of the population. In thus stating the question, he must add, that he had not been able to satisfy himself that it would be possible to administer relief by emigration, to that extent which some persons seemed to suppose could be accomplished—that was, to the extent of providing subsistence for the large body of manufacturers now suffering under great distress. Now as to the means, the question for the consideration of the government and the House would divide itself into two parts; first, what would be the expense attending such an operation on a large scale; and next, whether that expense was one which could be recommended. If it should be found that the expense was one which could not be recommended, it would then fall to be considered, whether an emigration of a more limited nature, which would take out of the country that description of persons who, having some small capital, were capable of contributing to the expense of their removal, should be encouraged. He was not prepared to say, that some plan of emigration might not be safely carried on, under the direction of the government. He was afraid, however, that if any plan were adopted for relief in this instance, it would be impossible to tell how far the House might afterwards be called upon to go. However deep the

distress of the petitioners, he could not but feel that there were other parts of the empire in an equally unfortunate situation; from which, therefore, similar applications might be expected to come. It was extremely difficult to see to what consequences such an opening might lead. All, then, that remained for him to do, was to express his satisfaction, in knowing, that this important subject had engaged the attention of his majesty's ministers. He trusted that means would be found of doing something at once practicable and consistent with sound principles of policy.

Earl *Bathurst* said, that as the consent of the Crown was necessary, before the petition could be laid on the table, he rose for the purpose of giving that consent; but in doing so, he wished to be understood, that the government pledged itself to nothing on the subject. That consent was given purely for the purpose of enabling the petitioners to express their sentiments to their lordships. Those petitioners were labouring under a degree of distress which it was impossible to think of without sympathy; and they had borne their sufferings with patience. He wished he could add that the distress was confined to the district whence the petitions came. Unhappily, it was very general. He believed, however, that there was scarcely ever a period, in which sufferings had been endured with such forbearance and obedience to the laws. At the same time he must observe, that he believed there never was a time when the public had stept forward so readily to relieve those sufferings by liberal pecuniary assistance, and in forming committees to manage and distribute the aid raised by subscription. It must also be added, that there never was a time in which so few instances were known, of persons ready to aggravate the distress, by using inflammatory language, and exciting the suffering multitude to acts of violence. All this was not only very creditable to the country, but also to the sufferers, who were entitled to every regard, for their unshaken loyalty and obedience to the laws of their country. With respect to the particular case of the petitioners, they prayed for pecuniary assistance to forward themselves to a settlement in those possessions which belonged to the Crown in North America. Their lordships were aware that these possessions consisted of immense tracks of lands, on which no house was erected, and which were covered with immense forests. It would, therefore, be very hazardous to place large numbers of any description of people in those trackless lands, in the hope that they might be able to support themselves; and it would be much more so to send there persons born and brought up in cities. He did not wish the observations he had just made to be understood as implying, that the relief which the petitioners prayed for ought not to be given. It was not his intention that they should be so understood. He had made them for the purpose of showing to their lordships, the necessity of great consideration, before that species of relief which was prayed for should be granted. With that object, in the course of last session, a committee had been appointed by the other House of Parliament. That committee had made a report on the subject, and it was his intention to move, that a message be sent to the Commons for a copy thereof. Should any measure for encouraging emigration be adopted, great discrimination must be employed in the choice of persons to be sent abroad. The aged, the sick, and the infirm must be excluded; not because they were unworthy of relief, but because the particular species of relief called for was not applicable to them; for to send out to a foreign country those who were rendered helpless from infirmity, would be only to expose them to unspeakable calamities.

Ordered to lie on the table.

HOUSE OF COMMONS,

Friday, December 8.

Cape of Good Hope—Conduct of Lord C. Somerset.] Mr. *Brougham* said, he had been informed, that in the discussion which had taken place last night respecting the Cape of Good Hope, a question had arisen as to the course which he intended to pursue with regard to a petition which he had formerly presented, complaining of the misconduct of the governor of that colony. That petition he had presented two sessions ago, on behalf of Mr. Bishop Burnett; and he understood it was now said, that the report of the commissioners had dealt with the subject matter of that petition, and completely exhausted it. He had not read that report with any great attention;

but in the cursory perusal he had given it, he did not find that it referred at all to those parts of the petition to which his notice had been more particularly called. In presenting that petition, he had said, that there were some matters stated in it of so extraordinary a nature, that he could not believe them to be facts; but that if they were facts, it was impossible for the House not to take the earliest opportunity of investigating them most rigorously. The matters to which he referred did not form what was more particularly called the case of Mr. Bishop Burnett. That individual had brought forward, in his petition, collateral charges against lord Charles Somerset, of far greater importance than those which formed the substance of his own case, and to those charges his own attention had been forcibly attracted. The report of the commissioners might have thrown light on those accusations; but if it had not, there was a strong necessity that an ample investigation of them should be instituted. He had understood that lord Charles was coming home, and indeed had arrived, to meet the charges preferred against him. He was glad to hear that fact, because the case of Bishop Burnett was much subordinate to the charges which his petition opened against the noble lord. He would take the earliest opportunity of examining the report more accurately than his avocations had hitherto enabled him to do. The charges to which he alluded, might not be noticed in the first report of the commissioners, which was already on the table of the House; and yet might be made subject of inquiry in their second report, which would be forthcoming immediately. If they were not noticed in either one or the other—if they did not meet with a satisfactory refutation from the noble lord whose conduct was so strongly implicated by them—he should think it still necessary for the House to institute a rigorous inquiry into their truth or falsehood.

Case of Colonel Bradley.] Mr. *Hume* said, that in making his present motion he must necessarily bring under the consideration of the House a case of gross and flagrant military oppression. The facts on which his motion rested were well known to the House, as he had on more than one occasion presented them distinctly to its notice. He would, however, briefly recapitulate them, in order that those members who had not seats in the last parliament might understand its object. In the course of the year 1814, while lieut.-colonel Arthur was acting as military governor of Honduras, the regiment in which he held the rank of lieut.-colonel was disbanded, and he himself reduced to half-pay. Lieut-colonel Bradley, who was then stationed with his regiment at Honduras, conceived that, as he was the older officer, and was also on full pay, he was entitled, by the laws of the service, to take the command of the military forces at Honduras from lieut-colonel Arthur, as that officer had been reduced from full to half-pay. Lieut.-colonel Arthur refused, however, to resign his command to lieut.-colonel Bradley, and claimed to act as military governor, on a commission from general Fuller, the commander-in-chief at Jamaica. As lieut.-colonel Bradley would not admit the authority of lieut.-colonel Arthur, that officer placed him under arrest, kept him in close confinement for 312 days, and then sent him to England. On his arrival in England lieut.-colonel Bradley found that he had been dismissed the service, and was only permitted, as a reward for twenty-one years' service, to dispose, at the regulated price, of his commission. Being convinced of the illegality of lieut.-colonel Arthur's conduct towards him, he brought an action against that officer, and the damages which he would otherwise have recovered were greatly diminished, in consequence of two officers from the Horse-Guards producing on the trial a document, purporting to be a commission authorizing lieut.-col. Arthur to take the military command at Honduras. Since that time the noble Secretary at War had said, that the document then produced in court, and sworn to be a commission, was not a commission, but a letter of service. If it were so, he was instructed to say, that by the laws of the army no officer was bound to obey another, unless he could produce a regular commission, giving him superior authority. As lieut.-colonel Bradley had been reduced to ruin by his dismissal from the army, after twenty-one years' service in it in foreign climates, and as it was said that the commission on which lieut.-colonel Arthur claimed the command at Honduras was still in existence, he did not see what rational objection could be made to its pro-

duction. The object of his motion was two-fold: first of all, he wished to obtain copies of the commission said to be granted in 1814, under the authority of the duke of Manchester, by general Fuller, to take the command of the military forces stationed at Honduras, whilst he was only on half-pay; and, secondly, he wished to have a copy of lieut.-colonel Arthur's report to the commander-in-chief in 1820, after he had placed lieut.-colonel Bradley under arrest, and also his correspondence with earl Bathurst, who was then at the head of the colonial department, on the same subject. He did not wish to have those letters produced for his own private information, for he had already seen copies of them, but for the information of the House. From those letters it was evident, that at the time he wrote them, lieut.-colonel Arthur had no such commission as it was now pretended that he held; for, in one of them, he wished to be informed in what situation he, who was only an officer on half-pay, was to be considered with regard to lieut.-colonel Bradley, who was an officer on full pay, and at the station, in command of his regiment. When those papers should be placed upon the table, he was sure it would appear to the House, that gross injustice had been done to lieut.-colonel Bradley, and that he was entitled to receive from the House some remuneration for the losses he had sustained after twenty years of service. He called the particular attention of those members who were officers in the army, to the harsh manner in which lieut.-colonel Bradley had been treated, and reminded them, that if any officer could be so treated without obtaining redress, the condition of gentlemen in the army would soon be little better than that of so many slaves. The hon. member then concluded by moving for a series of papers embracing the objects mentioned in his speech.

Lord *Palmerston* said, he should feel it to be his duty to object to the production of the documents, not because the despatches which were called for did not exist—for he had seen them himself—not because he had any doubt as to the genuineness of the commission or letter of service, for it had been admitted as evidence in a court of justice, but because no parliamentary grounds had been laid for their production. The merits of the case had been so often discussed in the last parliament, that he owed the House an apology for pressing upon its attention so hacknied a subject; but, as there might be some members who were unacquainted with them, he felt it necessary to mention them as briefly as possible. The state of the case was simply this: — Lieut.-colonel Arthur was appointed by the duke of Manchester, governor of Honduras, and received from general Fuller a commission, or letter of service, authorizing him to take the command of the troops stationed there. Lieut.-colonel Bradley was, therefore, placed as an officer under the command of lieut.-colonel Arthur. The regiment to which lieut.-colonel Arthur belonged was disbanded, and he himself was put on half-pay. Lieut.-colonel Bradley then chose to suppose, that as lieut.-colonel Arthur's regiment was disbanded, and lieut.-colonel Arthur was placed on half-pay, that officer ceased to retain any military authority at Honduras—an authority which, it ought to be recollected, he derived, not from his regimental commission, but from the commission he received from general Fuller. Lieut.-colonel Bradley made himself the interpreter of the law or the point, and not only made himself the interpreter of the law, but also determined to act upon his own interpretation. He not only said, that lieut.-colonel Arthur had ceased to command, but also attempted to supersede his own commanding officer. He took upon himself great responsibility in so doing, and he ought not now to complain that he was compelled to stand by the consequences of it. Under such circumstances, lieut.-colonel Arthur did that which any officer similarly situated would have done, and if he had not done so, he would have deserved dismissal from the service: he placed lieut.-colonel Bradley under arrest for an act of mutiny. The question between the two officers was then referred to the commander-in-chief, who, after hearing them both, decided that lieut.-colonel Arthur was in the right, and that lieut.-colonel Bradley was in the wrong. As it was impossible to pass over such a breach of military law, the commander-in-chief felt it to be his duty to remove lieut.-colonel Bradley from the service. The whole affair was submitted to the king, and his majesty was pleased to confirm the determination to which the commander-in-chief had come. Lieut.-colonel Bradley was not cashiered, as he

perhaps deserved to be: he was allowed to retire, receiving the value of his commissions, which by the bye he had not purchased.—He would now inform the House, that, although in the main points lieut.-colonel Arthur was right, there was still one in which he had been guilty of erroneous judgment. He had done right in placing lieut.-colonel Bradley under arrest, but wrong in retaining him under arrest—not, however, in close confinement, as the hon. member had stated—until he was dismissed from the service. After lieut.-colonel Bradley was dismissed from the army, he brought his case under the consideration of the legal tribunals of the country. He was not satisfied with the decision of the duke of York; he was not satisfied with the decision of his majesty, and he therefore applied for redress to the laws of his country. He contended, that he had suffered great injury, and took the best means in his power to obtain redress. The result of the trial was, that the court affirmed, that lieut.-colonel Arthur had authority to confine lieut.-colonel Bradley: it negatived the assertion, that lieut.-colonel Bradley had been illegally detained in the first instance; but it said, that though lieut.-colonel Arthur was justified in the original arrest, he had continued it beyond the necessity of the case, and it therefore gave him a verdict of 200*l.* Lieut.-colonel Bradley was not satisfied with this result. He moved for a new trial, on the ground of a misdirection on the part of the learned judge, and had it refused him. His assertion of injury was negatived by the commander-in-chief; then by his majesty; then by a court of law on the trial; and last of all, by a court of law on application for a new trial. Such being the case, on what ground could the House now interfere in this transaction? He thought that these documents were only wanted to enable lieut.-colonel Bradley to swell his next petition with their statements; and that being his opinion, he felt it to be his duty to negative the motion.

Mr. *Hume* said, that he very much doubted the existence of the letter of service. It was first brought to light in 1819, and he could produce a letter from lieut.-colonel Arthur, proving that he had no such commission at that time. If he had had such a commission, why did he not produce it when he was three times specifically asked to do so? The reason was plain. He had no such commission, and therefore could not produce it. He would ask any officer who heard him, whether lieut.-colonel Bradley, being an officer on full pay, would have done his duty, if he had yielded up the command of his regiment to an officer on half-pay? To what tribunal could lieut.-colonel Bradley appeal for redress, if the House should refuse to interfere on his behalf? Surely the justice of the House would prevent an officer, who had served twenty-one years, from being overwhelmed by ruin, because he had unfortunately differed with a brother officer on a matter of military discipline, which appeared to be involved in doubt and obscurity.

Lord *Palmerston* begged to remind the House, that the hon. member and himself were at issue as to a fact. The hon. member had said, that the commission had no existence in 1814. He replied that it had. It was matter of proof, and had been placed on record; and when the hon. member said that the commission did not exist, he denied a fact which had been proved by the oaths of most honourable and virtuous witnesses. If that were proved in a court of justice, it became a matter of fact. The hon. member could not, by any ingenuity, "rail the seal from off the bond." That commission had been produced; and if it was asserted, no matter by whom, that it was a fabricated document, then he must say, that such an assertion was a base, scandalous, infamous calumny, which he felt himself bound to repel, on the part of those affected by it, with all that contempt and disdain that it merited. Not a greater falsehood could be conceived. The commission was granted by general Fuller in 1814; and it was not true, that, in colonel Arthur's letter of 1818, no mention was made of it. He read, last year, a letter from colonel Arthur, in which he alluded to that commission; and he there adduced his holding such commission, as a reason for his exercising the authority he had previously possessed. He, therefore, would repeat, that there could not be a greater falsehood, let it come from whom it might, than to assert, either that no such commission was in existence, or that, if it were in existence, it was fabricated for some base, sinister, and miserable, purpose.

Colonel *Torrens* vindicated the officers of the army from the aspersion which had been cast upon them.

Sir *H. Hardinge* said, it was impossible for any military man to sit silent under such an imputation as had been cast on the whole army by the hon. member. If they remained silent, then, indeed, they might deserve to be considered as slaves. Fortunately, however, observations of this nature, coming from the hon. member, were perfectly harmless. Colonel Arthur, under the circumstances stated by his noble friend, had an undoubted claim to the situation of commandant; and if lieut.-colonel Bradley had entertained any doubt on the subject, he ought to have waited until his reference to England, with respect to the assumption of colonel Arthur, had been answered. But lieut.-colonel Bradley said, "no, I will at once depose you, and take this authority on myself." This was unquestionably a disobedience of discipline, that could not be palliated. He, at the same time, admitted, that col. Arthur had acted with less leniency than he ought to have done; because he kept lieut.-colonel Bradley too long under arrest; and a court of law, in consequence of that circumstance, had most properly given a verdict in favour of the complaining party. This had, however, nothing to do with the main question. Half-pay officers on the staff, under the circumstances stated by his noble friend, had a right to exercise the same authority which colonel Arthur had assumed.

Mr. *Hume* rose and said, he would rest the whole business on this question—"Did colonel Arthur, when he placed lieut.-colonel Bradley under arrest, possess any authority from general Fuller, which justified him in adopting that measure?" [Lord Palmerston, "Yes."] He wished to know whether the noble lord would admit the letters of colonel Arthur, in which he allowed that he did not possess such a power, to be received as a proof that the statement on this point was not false. Would he allow those letters to be received in contradiction to the charge of falsehood? Colonel Bradley did not, as had been asserted, act precipitately. For three successive months he demanded to know what commission colonel Arthur held, and from whence it had been received; but he could procure no satisfaction. He now asked, what authority general Fuller had to supersede the king's commission, which was in the hands of colonel Bradley?

Lord *Palmerston*.—I have already stated the facts to the House. To those facts I refer, and I will not add one syllable more.

Mr. *Hume* did not speak of a commission in existence now, but of a commission in existence at the time when the arrest took place.

Sir *H. Hardinge* said, he was astonished that the hon. member should, after the luminous explanation of his noble friend, after his unequivocal statement, that such a commission did exist, reiterate his question. It was little less than doubting the veracity of the noble lord.

Mr. *Hume* was of opinion that the noble lord's answer was evasive. It did not directly meet his question, which related to a commission not of the present day, but issued some years ago.

Lord *Palmerston* said, it was impossible for him to be answerable for the extreme obtuseness of understanding possessed by the hon. member. He would venture to say that no other man in the House entertained any doubts as to the clearness of the explanation which he had given. He had stated not only on the present occasion, but in the last session, that there was such a commission; but, beyond that, he had then read the paper which he now held in his hand; namely, a letter from colonel Arthur, of the date of 1820, in which he quoted this disputed commission, as his reason for exercising the authority which he had assumed in 1814. The commission was in existence in 1814, as appeared from that letter; and if the hon. gentleman's intellects were so deeply obtuse, as to require these numerous repetitions and explanations—repetitions and explanations more numerous even than those in which the hon. gentleman was in the habit of indulging—if it were necessary by these means to soak into his understanding, as it were, the comprehension of the most simple fact, he must leave the hon. gentleman to that impenetrable darkness which dwelt within the interior of his brain, and leave his statements to the judgment of other gentlemen whom he had the honour of addressing. It was a matter of indifference to him whether the hon. gentleman understood him or not. He addressed himself to the House of Commons, not to the hon. member for Aberdeen [hear, hear].

Mr. *Hume* said, he had been long enough a member of that House to know, that an angry tone was not an answer. An at-

tempt to abuse could not give satisfaction to any beyond the few who thought proper to encourage it. If he was obtuse in his understanding, it was his misfortune, not his fault; and perhaps he devoted as much of his time as the noble lord, to get rid of that mental darkness with which he had been accused. If he could not understand, or see through, the lucidity of the noble lord's statements, he regretted it. But he would ask, what his obduracy, his obstinacy, his obtuseness, his ignorance, his stupidity—the noble lord might call it what he would—had to do with the case of the petitioner? Surely the petitioner ought not to be visited with his imperfections! But, he again asked, was what the noble lord said with respect to him any answer to the claim of justice? He had no hesitation in saying, that the documents would bear him out in his view of the case. He would take some trouble, now that the noble lord had come to the specific point, to produce colonel Arthur's letter; and if it did not directly negative the noble lord's statement, he would admit it to be inferred, that he was so obtuse, so stupid, so dark in intellect, as not to understand the meaning of the plainest words. He received the abuse which had been directed against him, as others would do, with utter contempt. It would not forward the object which the parties had in view. It would not alter the circumstances of the case; cheered as it might be by the gallant officer who sat behind the noble lord. His advice would be, that they should keep to temperate language on all occasions. If he ever exceeded the proper bound he regretted it. It was the effect of a momentary impulse. But he could safely say, that he never came down to the House with the deliberate intention of attacking any person. He left, without any regret, to the noble lord and his friends, any feeling of triumph which they might indulge in on this occasion. For his own part, he rested himself on the good sense of the House.

Sir *H. Hardinge* observed, that those who threw stones first, had no right to complain if stones were flung at them in return. The hon. member had used an expression towards the army at large, to which he had deemed it his duty to reply; but he had not come down to the House for the purpose of speaking on this question; nor was he aware that it would come under discussion. Certainly it was not a pleasant thing for a military man to be told, because he did not agree to the wild theories—he might say, absurdities—which were put forth by the hon. gentleman, that the officers of the army were all slaves. He felt that he was justified in the language which he had used; and if the hon. gentleman, or any other person, made the same assertion, he would have no hesitation in using the same language, because he thought that such an assertion deserved it.

Mr. *Hume.*—If individuals in the king's service are to be deprived of their situations without the decision of a court-martial or inquiry of any kind, then, I say, that under such circumstances, every officer in the army is a slave. That was my observation.

Sir *H. Hardinge.*—The "if's" of the hon. member render his statements very harmless.

The motion was negatived.

Arigna Mining Company.] Mr. *R. Martin* said, he had intended to move, that an addition should be made to the members of the select committee appointed to investigate the proceedings of the Directors of the Arigna Mining Company; but he had abandoned that intention as his hon. friend (Mr. Brogden) had expressed himself perfectly satisfied with the committee as it stood.

Mr. *Brogden* said, he certainly had expressed a wish, when he read the list of the committee, that some alteration should be made in it. He had wished that some persons more conversant in the business of the city should be placed on it. He now, however, desired no alteration. He felt himself perfectly safe in the hands of those to whom the investigation had been intrusted.

HOUSE OF LORDS.

Monday, Dec. 11.

Indemnity Bill—Oats Importation.] Earl *Bathurst*, in rising to move the third reading of the bill for granting an indemnity for the admission of Foreign Grain, stated, that in the absence of his noble friend, whose continued indisposition prevented him from attending to his duties in that House, it became his business to state to their lordships the reasons which induced ministers to advise his majesty to issue an Order in Council, permitting the

importation of oats, peas, rye, and barley, into this country, under certain restrictions, at a time when by law they could not have been admitted. Their lordships were aware that the importation of all grain depended upon the averages struck on the six weeks from the four periods of the year; namely, from the 15th of August, the 15th of November, the 15th of February, and the 15th of May. According to the averages struck on the 15th of August last, oats and the other species of grain could not by law be imported. The average price at which the grain in question could be imported was 27*s*., and being so, their lordships would perceive, that, according to the construction of the law to which he alluded, grain could not be admitted into this country for home consumption until it reached that price. The consequence was, that up to the 15th of November no oats could be imported. The state of the harvest, with respect to corn, was known early, on account of the very early season. It was reported to be partially deficient in some places, but the deficiency of oats was reported to be universal. With respect to Ireland, the crop of oats was very bad; which formed, in the northern parts of that country, the chief subsistence of the poor. At the same time there was every reason to apprehend that the scanty crop of that food, on which the lower orders in Ireland subsisted, would be still further diminished by importation into England, to supply the deficiency of the harvest in this country. In the northern parts of Scotland the crop was also deficient. A similar deficiency was experienced in Lancashire and Lincolnshire. With respect to the hay-harvest, that was, unfortunately, also very scanty; and the farmer looked with anxiety for the means of procuring fodder for his cattle. Thus the admission of foreign produce into this country furnished an additional supply to the English farmer of food for his cattle. Under all these circumstances, his majesty was advised to issue an Order in Council, to allow the importation of oats for home consumption, under certain regulations. Importation of foreign grain was permitted, on the condition that the importer should give his bond for the payment of a certain duty, in the event of parliament approving of that duty; but unless parliament should approve of it, the obligation of paying any thing would cease, as that obligation depended on the consent of parliament; therefore not one shilling would be paid without the approval of parliament. The question now was, what was the duty to be imposed by this act? That duty was one of 2*s*. He should now state to their lordships two objections which might be raised against that duty. One objection was, that it was too low, and the other, that it was too high a duty; and, in order to meet both these objections, he would state what were the duties under the existing act. Under that act the importation of oats was prohibited until the average price was above 27*s*. If the average price should be above 27*s*. and below 28*s*., a duty of 4*s*. per quarter was imposed; besides which, there was an additional duty of 2*s*., which the importer was obliged to pay for three months from the 15th of November; making upon the whole, a duty of 6*s*. per quarter. This was the operation of the act of 1822, which was the act on which the Corn-laws now depended. If, on the other hand, the average price was above 28*s*. and under 30*s*., the importer was to pay 2*s*. per quarter, and also 2*s*. additional duty, from the 15th of November to the 15th of February, thus making a total duty of 4*s*. Therefore, it was wrong to contend, that a higher duty was imposed on the importer than he ought to have paid. It was asserted, that there had been so large an importation, in consequence of the low duty, that the supply exceeded the demand; in other words, that the supply was so great as to be injurious to the market. However, instead of the importation being prejudicial to the market, he would assert, that the only question was, whether the present market price was not higher than it would have been, had the Corn-laws been left to their regular course of operation. He therefore considered that a duty of 2*s*. was not too low a one. That it was too high a one was asserted. Now, the average prices on the 15th of November being below 30*s*., the foreign importers would have been obliged to pay 4*s*. per quarter; and it could, therefore, be no hardship to them to come under an obligation to pay 2*s*. In conclusion, he would observe, that the power of admitting grain when prohibited by law was one which ought not to be exercised but on occasions of necessity; and such necessity, he conceived, had occurred, and justified the issuing of the Order in Council.

The Earl of *Lauderdale* was desirous

that he might not be understood as joining in the panegyrics which had been lavished on this Order in Council. In arguing the present question with the noble lord, he was sure they should not differ about the grounds on which the Order in Council had been issued, nor the law of the land as regarded importation. The noble lord had stated, that the only ground his majesty's ministers took for issuing the Order in Council was necessity. This was very proper; but their lordships would recollect what had passed in the last session, when it was proposed to sanction the importation of 500,000 quarters of wheat. On that occasion he had said, why grant any such extraordinary power? He had contended, that it was in the power of ministers to admit any quantity they thought fit, provided the necessity of the case justified the opening of the ports; and he had further argued, that limiting the importation to 500,000 quarters might appear to be limiting the power of the government to that quantity; whereas ministers might, on their own responsibility, have admitted grain to any extent. But it was stated, that ministers knew that there would be a late harvest, and a deficient one of wheat; and that, therefore, they considered it their indispensable duty to apply for a discretionary power. Now, as to those reasons, it did so happen that the only grain of which there was an abundant crop was wheat, and that the harvest, so far from being late, was the earliest ever known. So much for prophetic legislation. His majesty had been advised to open the ports, and the noble lord said very truly, that the ports were shut on the 15th of August; but did he mean to say that there was any thing to prevent the ports being open by the 15th of November? He believed there was no person who had attended to the subject who would not say, that if it had not been for the Order in Council, the ports would have been open at that time for oats; that is, that the price of oats would have been above 27s. Ministers, therefore, knew, or might have known, as every man in the country did, that if they had allowed the law to take its course, the ports would have been open for oats on the 15th of November. The merchants foresaw this, and had made arrangements for sending abroad and making purchases. He himself well knew that before the Order in Council was issued, many commissions had been sent abroad; but the consequence of issuing that Order was, that many merchants who had sent abroad for oats, found that they had to pay 2s. more for them than they expected. All that ministers did by this measure was to inform those who held grain in foreign countries of the deficiency. He certainly did not intend to object to this bill of indemnity, because he was sensible that ministers meant well in issuing the Order in Council; but he could not help saying, that the only effect of their measure had been, to make the merchants pay a higher price for the grain they purchased, and consequently to check their importations. The Order in Council could operate in no other way than that of giving to foreign merchants that information in a prompt and an authentic form, which would otherwise have come to them in a slow and uncertain manner. He would contend, that the rate of duty fixed by the Order in Council was entirely too high. In fact, at 27s. no duty at all should have been imposed upon oats, and were he an importer of that article he would resist the payment, and see what a court of justice would do afterwards, if the case were brought before it. His lordship proceeded to review the act of the 3rd of Geo. 4, and to contend, that by that act, neither by an Order in Council, nor by any other document, should a duty have been imposed when oats were as high as 27s. He did not mean to assert, that in the course they had pursued, ministers were influenced by any improper motive, but he denied that the effect of the Order had been an increase of the amount of oats brought into British ports.

The bill was read a third time and passed.

HOUSE OF COMMONS.

Monday, Dec. 11.

KING'S MESSAGE RESPECTING PORTUGAL.] Mr. Secretary Canning presented, at the bar, the following Message from his Majesty, which was read by the Speaker:

"GEORGE R.

"His Majesty acquaints the House of Commons, that his Majesty has received an earnest application from the Princess Regent of Portugal, claiming, in virtue of the ancient obligations of alliance and amity subsisting between his Majesty and the Crown of Portugal, his Majesty's aid against an hostile aggression from Spain.

"His Majesty has exerted himself, for some time past, in conjunction with his Majesty's ally the King of France, to prevent such an aggression; and repeated assurances have been given by the Court of Madrid, of the determination of his Catholic Majesty neither to commit, nor to allow to be committed, from his Catholic Majesty's territory, any aggression against Portugal.

"But his Majesty has learnt with deep concern, that, notwithstanding these assurances, hostile inroads into the territory of Portugal have been concerted in Spain, and have been executed under the eyes of Spanish authorities, by Portuguese regiments, which had deserted into Spain, and which the Spanish government had repeatedly and solemnly engaged to disarm and to disperse.

"His Majesty leaves no effort unexhausted to awaken the Spanish government to the dangerous consequences of this apparent connivance.

"His Majesty makes this communication to the House of Commons, with the full and entire confidence, that his faithful Commons will afford to his Majesty their cordial concurrence and support, in maintaining the faith of treaties, and in securing against foreign hostility, the safety and independence of the kingdom of Portugal, the oldest ally of Great Britain.

"G. R."

After the Message had been read,

Mr. Secretary *Canning* rose, but in consequence of indisposition, he spoke in tones so feeble, that his words were very indistinctly heard. He said, that in pursuance of the custom usually observed on occasions of this kind, he should now give notice that he would to-morrow move an Address to his Majesty, thanking him for the communication which he had made to the House, and affording him the strongest assurances of the cordial support and co-operation of his faithful Commons. It would be contrary to the practice hitherto followed, for him to enter at present into any statement of the reasons which had induced his majesty to make to the House the communication they had just heard, and besides it would be unfair to the House itself, as it was totally unprepared for such a discussion. He would therefore confine himself to moving, that his Majesty's Message be taken into consideration to-morrow.

Sir *Robert Wilson* observed, that when upon a former evening he gave notice of his intention to bring the state of Portugal under the consideration of parliament, he was influenced by a sincere and honest desire to enable the government, if it had any hesitation, to uphold with a strong hand the honour and interest of the Crown, which in this country were inseparable from the honour and interest of the people. He could assure the right hon. Secretary, that in giving that notice, he was influenced by no party motive. The gentlemen with whom he acted knew of no party but their country, where its honour and its interest were at stake. He felt great happiness in hearing the communication which had just been made to them, and declared that it rendered unnecessary the proceeding which he should otherwise have deemed it incumbent to take.

Mr. *Canning* said, it was out of the power of his majesty's ministers to make any earlier communication to the House with regard to the inroad of the Portuguese refugees, as the official despatches had arrived only on Friday night last.

The motion was agreed to.

HOUSE OF LORDS.

Tuesday, December 12.

KING'S MESSAGE RESPECTING PORTUGAL.] On the order of the day being read, for taking into consideration his Majesty's Message,

Earl *Bathurst* rose, he began by observing, that in proposing to move an humble Address to his Majesty, he thought it necessary to state to their lordships the grounds of the royal Message which he yesterday had the honour of bringing down to the House. As in doing this, he should have to enter into some detailed explanations, he could not sufficiently regret that this duty should be in the absence, from indisposition, of his noble friend the earl of Liverpool, imposed upon him; but fortunately, he was surrounded by colleagues, who would correct any inadvertency or mistake into which he might fall, and who were ready and able to supply any of his omissions. Their lordships were aware that sir Charles Stuart, who had gone on a mission to the court of Brazil, had proceeded from Rio de Janeiro to Lisbon, with instructions from the emperor of Brazil, relative to the settlement of the government of Portugal, after the death of his father. Sir Charles

was the bearer of an ordinance of the emperor Don Pedro, by which he abdicated the crown of Portugal, which devolved upon his brother, Don Miguel, under certain conditions, the principal of which was, that there should be granted to Portugal what might be called a constitution, or in other words, a charter. It would be proper for him here to state what the situation of sir Charles Stuart was when these events took place. Their lordships must be aware, that negotiations had, for a long time, been carrying on for the purpose of putting an end to the hostilities which subsisted between the kingdom of Portugal and the new empire of Brazil. These negotiations ultimately terminated in the separation of the two Crowns, Brazil, being, in fact, no longer a colony, but independent of Portugal. After much time had elapsed, things seemed to have arrived at such a state as to justify the appointment of sir Charles Stuart on a mission to Portugal upon this subject. He was to proceed to Lisbon, and thence, with such powers as he might there receive, to Brazil. Accordingly, sir Charles went to Lisbon on this delicate mission. It was then proposed to the king of Portugal, that he should grant a charter, or instrument, by which he should publicly acknowledge the independence of Brazil and that sir Charles Stuart, who was at liberty to accept this mission, or some other person appointed by his majesty, should carry out this instrument to Brazil. The king of Portugal appointed sir Charles Stuart for this purpose. Sir Charles, therefore, carried out with him, to be delivered into the hands of the emperor of Brazil, the condition on which alone the negotiation was to be concluded. Sir Charles Stuart did deliver those conditions, and having so done, this object was accomplished; but he had still another duty to discharge. He had been instructed, on the condition of the independence of Brazil being granted, to negociate a treaty of commerce between this country and Brazil. He was in the discharge of this duty, when he received an account of the king of Portugal's death. In consequence of this event, the emperor Don Pedro resigned the Crown of Portugal to his brother, on certain conditions, appointing at the same time his sister regent of the kingdom, and issuing a charter or constitution. The emperor applied to sir Charles Stuart to be the bearer of those documents to Portugal. Sir Charles, unwilling to interfere, deprecated engaging in this business; but he was repeatedly pressed by the emperor to accept the mission, and so many arguments were urged, that he found himself at last no longer able to resist the appointment. Their lordships would perceive from what he had stated, that in acceding to this proposition, sir Charles Stuart had acted wholly and entirely on his own responsibility, and without any instructions on the subject from his majesty's government. He was the more particular on this point, because it was desirable that it should be clearly understood, that his majesty's government had no participation in the recent political transactions in Portugal, and that there had been no disposition on their part to interfere, in any way, in the internal affairs of that country. On his arrival at Lisbon, sir Charles Stuart delivered the instruments he had brought from Brazil to the Vicegerent. On receiving the despatches, the princess regent determined on following the directions they contained, and giving a constitution to Portugal. She was, however, well aware that that constitution was calculated to revive all the old animosities which had but lately been allayed. In addition to this, the council of regency, which was composed of the old ministers of her father, remonstrated against her acceding to the propositions of Don Pedro. She was but a young princess, and had had little experience in public affairs, except what she might have learned from the period of her father's death up to the time of which he was speaking. These circumstances did not, however, deter her from performing what she thought was her duty; and she certainly proceeded with activity to take the necessary steps for carrying her brother's intentions into effect. But, unfortunately, at this very time considerable discontent prevailed. The granting the constitution was considered a foreign measure, and on that account viewed by many with dissatisfaction. It was found that Don Miguel had, in fact, a considerable party in the country, and discontent began to show itself among some of the troops. Instances of insurrection occurred more particularly in the distant provinces, where the revolt of the troops was with difficulty suppressed. The deserters took refuge in Spain, and were there cordially received. In a short time, such a force was collected in that country

as was sufficient to give serious apprehensions to the government of Portugal—apprehensions which were much aggravated by the state of irritation of many of the frontier provinces. The government of Portugal had now two courses to pursue—either to call upon the Spanish government to give up the deserters, in virtue of a treaty subsisting between the two powers, or to retaliate, by giving a similar encouragement to Spanish refugees. The government of Portugal did not adopt either of those courses, and acted throughout with great forbearance and moderation. They contented themselves with requiring that the armed rebels should be disarmed, and desiring that their arms should be sent to Portugal. His majesty's ministers did not overlook this system of forbearance, on account of which it became more necessary to press on the Spanish government to abandon its protection to the Portuguese rebels. Accordingly, remonstrance followed remonstrance; and, in return, assurances were repeatedly given, that that system of protection should be put an end to; but no measure appeared to be adopted for the purpose of stopping the collection of an armed force on the territory of Portugal, to disarm the deserters, and deliver up their arms to the Portuguese government. In consequence of this state of things, his majesty's minister at the court of Madrid notified to the Spanish government, that he should be under the necessity of leaving that capital, if the government did not disarm and disperse the Portuguese rebels. However, no proceeding for that purpose was adopted, and the deserters were allowed to retain possession of their arms, and to assemble on the frontiers. Soon after this remonstrance, accounts were received through France from Madrid, that a considerable force of Portuguese deserters had marched from Old Castile to the frontiers of Portugal; but the Spanish government, in giving this information, accompanied it by assurances, that they had no concern with it. The French government was, however, so little satisfied with this explanation, that orders were sent to the French ambassador to return immediately to Paris, if the Portuguese deserters were not dispersed; and instructions were given to the Chargé d' Affaires to express, in the strongest terms, the disapprobation of his government, of the proceedings which had taken place on the frontiers of Portugal. Three or four days after the arrival of this intelligence, the Portuguese ambassador presented to this government a demand for military assistance from this country, in virtue of the existing treaties. The authority for making this demand had been placed in the hands of the Portuguese ambassador, for the purpose of his making use of it when the occasion for so doing should arrive. But it appeared, that he had received no official intelligence respecting the conduct of the Spanish court from his own government, and that the account which had reached him of the aggression came through France; so that, in truth, his authority for the fact was not better than that of the government of this country. No official despatches relative to the inroad had come from the Portuguese government. In a few days after, his majesty's government received despatches from Mr. Lamb, which communicated in substance the same intelligence which had previously come from Paris. He received it from the Spanish minister, which was, indeed, the same source from which the communication through France proceeded. The communication of the Spanish minister was accompanied by a strong assurance, that the aggression had been made without the knowledge, and in direct opposition to the orders, of his government. On receiving this communication, Mr. Lamb, of course, made strong remonstrances against such proceedings, and took measures for ascertaining what were the real views of the court of Madrid. As he had already stated, no authentic intelligence of an actual inroad by the Portuguese troops from Spain had yet been received; but, on Friday night last, accounts reached his majesty's government from Lisbon, of that event having taken place. What, however, was very remarkable was, that the inroad now made known was not stated to have been made in the quarter mentioned in the account received through France from the Spanish government. It came from Estremadura. It was stated, that the large body of men who made this invasion came from thence armed and equipped by the Spanish authorities, and had been collected under the authority of the governor himself. It was further said, that the Spanish governor had given directions for some Spanish artillery to accompany the rebels. This was the report; but, upon inquiry, it was denied. This force, however, advanced and took

possession of some places, among which was the town of Villa Viciosa. Their lordships would perceive that they had here the knowledge of a direct inroad upon Portugal. But, in addition to this affair, there was attached to it a consideration of importance, which would not have belonged to the occurrence, had it stood by itself. The proceedings which had taken place argued a communication from one part of the Spanish territory to another—a system of combination, by which it was arranged, that when this inroad should be made on one part of the Portuguese territory, another should, at the same time, be made on another point; and showed that the aggressors were not confined to irruptions from Old Castile and Estremadura. This combined plan was of such a nature, that it must be supposed to have been sanctioned and prepared by the Spanish authorities. Considerable expense must have been incurred; and the arms could not have been obtained without connivance. Had the aggression been confined to one part of the frontier, the excuse might have been set up. It might have been supposed to be the act of an individual governor neglecting the instructions he had received. This certainly might have happened, though it had been the sincere intention of the Spanish government that the instructions given to the governors of provinces should be strictly observed. When, however, the aggression was of such a magnitude as that which he had described, a case was made out which called for the interference of his majesty's government. Their lordships were aware, that in consequence of the alliance between Great Britain and Portugal, the latter was entitled, in case of invasion, to call upon this country for assistance. The first treaty with Portugal was concluded in 1661, and the second in 1703. By the former, this country was bound to support her ally with 3,000 men; by the latter, with 6,000. Holland was a party to those stipulations along with this country; but the government of the Netherlands had not renewed the treaties which subsisted between the former united provinces and Portugal. There remained, therefore, no obligation on the part of Holland. But without any reference to those treaties, there certainly was sufficient ground for proceeding as his majesty's government had done; for by the treaty of 1815, which referred to that concluded with Portugal in 1810, the former obligations were renewed; and it had been stipulated, that the arrangements then entered into were without prejudice to the ancient system of alliance between the two countries, which is declared to be still in full force. Now, though the attack on Portugal had not been made by Spanish troops, but by foreign troops, under the direction of Spanish authorities, and in the pay of Spain, the case was completely brought within the stipulations of the treaty; nor was the obligation on this country to afford assistance the less because the aggression was made on the occasion of a civil war. He conceived, therefore, that the case did come strictly within the obligation of the treaty; but, supposing that such treaties did not exist, he considered that it was for the interest of this country that assistance should be afforded to Portugal. The noble earl next proceeded to state, that it was the intention of government immediately to order out some British troops to Lisbon, for the assistance of our ally against any aggression on its territory; but that, in the mean time, it would be the earnest desire of his majesty's government, to use every exertion to bring about a termination of the differences between the two states. Instructions to that effect had been sent off to our ambassadors at Lisbon and Madrid, and the advice that had been given, and would continue to be given, to the Portuguese government, would be to adopt the same system towards Spain, which it had been earnestly recommended to the latter power to observe towards Portugal. Portugal was advised not to give encouragement to the entrance of Spanish refugees—not to allow them, under any pretence, to enter that country armed—not to encourage, or countenance in any manner, inroads on the Spanish frontier, by Portuguese subjects on subjects of Spain. It was recommended, that every thing not necessary for the due protection of her own rights and the integrity of her kingdom, should be avoided by Portugal, which would increase irritation between the two kingdoms; as any attempts of the kind would tend only to counteract the efforts of his majesty to put an end to the difference between the two states. It might be true, and he believed that, to a certain extent, it was, that there existed in Spain a faction which would set at defiance even the orders of

their own sovereign, if those orders did not fall in with their views. With such a faction there could be no treaty or negotiation; but it was to be hoped, that when they perceived that the government of this country would not allow of any foreign interference with Portugal, their attempts would cease; that when they perceived that England would lend effectual assistance to resist any aggression on the Portuguese territory, they would lay down their arms, and that thus an end would be put to that cause of difference. He would not further trespass on their lordships, but would move,

"That an humble Address be presented to his Majesty, to return to his Majesty the thanks of this House, for his Majesty's gracious Message, in which his Majesty is graciously pleased to acquaint this House, that an earnest application has been made by the Princess Regent of Portugal, claiming, in virtue of the ancient obligations of alliance and amity subsisting between his Majesty and the Crown of Portugal, his Majesty's aid against an hostile aggression from Spain.

"To assure his Majesty that we participate in the feelings with which his Majesty has learnt, that, notwithstanding the assurances obtained from the Court of Madrid, by the joint representations of his Majesty and his ally the King of France, of the determination of his Catholic Majesty, neither to commit, nor to allow to be committed from his Catholic Majesty's territory, any aggression against Portugal, hostile inroads into the territory of Portugal have been concerted in Spain, and have been executed under the eyes of Spanish authorities by Portuguese regiments which had deserted into Spain, and which the Spanish government had repeatedly and solemnly engaged to disarm and to disperse.

"That we trust that his Majesty's efforts to awaken the Spanish government to the dangerous consequences of this apparent connivance will be successful; but that we entreat his Majesty to believe, that his Majesty may confidently rely on the zeal and affection of this House, for their cordial concurrence and support in maintaining the faith of treaties, and in securing against foreign hostility the safety and independence of the kingdom of Portugal, the oldest ally of Great Britain."

Lord *Holland* trusted their lordships would do him the justice to believe, that he did not use mere words of course, or mean to take merit to himself by any hypocritical cant upon this occasion, when he assured their lordships that he strongly felt that no good or wise man would ever give his vote for any measure which might lead to war, or to the necessity of war, without the deepest concern at the responsibility which attached to what he did. It must at all times present a subject of difficulty, when a man was called upon to vote on such a question, but more particularly so on the present occasion, when the state of public credit, the amount of debt and taxation, and above all, the distressed state of a great portion of the people were taken into consideration. Taking into consideration these circumstances, any man must regret the necessity which called upon him for such a vote: yet, strongly impressed as he was with these feelings, he would not hesitate to say, that with a pure mind, a steady purpose, and a clear conscience, he gave his unqualified support to the address now moved by the noble earl; and he did so because it was his firm opinion, that an early assertion of the fixed determination of this country to maintain its honour, and the integrity of its ally, by enforcing an observance of the faith of treaties, would be the most effectual way to prevent a war. If he entertained any doubt at all of the measures now proposed, it was, perhaps, that they came a little too late. The noble earl had said, that we were bound to maintain the stipulations of the treaty with Portugal. In that he fully concurred, but he would go further, and say, that if no such treaties existed, a sense of honour, a sense of what was due to themselves, and to the interests of a power with which this country had been so long in amity, should induce their lordships to assent to the address now proposed. It was unnecessary for him, at that moment, to point out to their lordships the importance of Portugal as the ally of England. Highly as he valued the general services of the noble duke opposite, he thought that none of his great achievements were more important to this country, than those in which he showed that British strength and valour were sufficient to protect that favoured spot, Lisbon, against the world in arms. He thought it was for the interest of England, that Lisbon and the coast of Portugal

should always be in the hands of a power with whom this country was a favoured ally; and he, therefore, entirely concurred in what had been stated by the noble earl on that subject. The insidious manner of the recent attack on Portugal, the little provocation, or rather the no provocation, given for such an aggression, must make England anxious to grant its aid, in the observance of its treaty; but, independently of treaty, he hoped it would be granted with all that cordiality and sympathy which hatred of oppression must always inspire. He had expressed his hope, that the active measures now to be adopted might be effective in preventing a war; yet he should be disguising his real sentiments, did he not state, that if we did enter into a war with Spain, it would not be with a wretched, feeble, and faithless monarch, but with a fanatic and tyrannical faction, not only militant in Spain, but dominant elsewhere—powerful, not merely from its uncontrolled sway in that country, but from its extensive influence all over the continent of Europe. It would, therefore, be, in that sense, an object to contend with of no very light nature. He now came to another question, on which he felt some delicacy, but it was most important and deserved serious consideration. He was glad to hear it stated, that the king of France had acted in conjunction with his majesty, in endeavouring to dissuade the court of Spain from the aggression on Portugal, and he felt thankful for the early opportunity the French court took of giving us intelligence of what was passing in Spain. He wished, however, that he could view the conduct of France on this subject without distrust. But being called upon to act, we should act from experience—we should act from probability—and, looking to the past and the probability of the future, he thought we should receive with great caution every thing that was done on this subject, even by that power which it had cost so much of the blood and treasure of this country to restore. Their lordships were told that the French court had sent to Spain remonstrances. Remonstrances! Of what kind? They had heard of the eloquence of the papers transmitted on this subject to the Spanish government. That eloquence might be very great; but, when he viewed the relation in which France stood towards Spain—when he saw that she might command, or to use a milder term, that she might ensure a ready obedience to her request, he would say that it was idle to talk of transmitting eloquent papers. It was only waste of pen and ink, when she could at a single word produce the desired effect. If France were to say, in the words of the farce, "Go call a coach, and let a coach be called," Spain must do it. Why, then, should time be spent in transmitting eloquent documents? Eloquent as such papers might be, until he saw something else done, he must take leave to doubt the sincerity of France. The professed object of the remonstrance would be to control the workings of a faction now triumphant in Spain. But how was it triumphant, and why, and by whose means? Was it not by the aid of the French army? That army was marched into Spain under similar professions of sincerity to those now made by the French court. Had not their lordships, had not the country, heard repeated assurances of the sincerity of France, before its army crossed the Pyrenees? Over and over again, the French government had assured the British cabinet of its sincerity; but the army marched, and Spain was now held in military possession by France, which at the same time affected to remonstrate against certain proceedings which it could have prevented by a single word. These remarks might, perhaps, be considered ungracious towards France, and also towards his majesty's ministers, with whom he entirely concurred in the present address; yet if he entertained some hopes that the course now proposed would be successful in preserving the integrity of Portugal, still the history of what had occurred forced him to believe, that a timely exercise of half the spirit now evinced, would have prevented the faction in Spain from being triumphant, and France from being now in military possession of that country. It might not be gracious to travel back to what was done in Europe formerly. He would admit that the question for their consideration was, what should be done for the protection of our ally; and what for ourselves? He would not, therefore, travel back to former periods, though many topics connected with what had taken place presented themselves to his mind. He would only add, that he would prefer fighting in Spain for the existence of Portugal, to fighting in Portugal for the existence of Ireland, or to fighting in Ireland for the authority of England. He

thought that when the question of Ireland was before their lordships on a former occasion, they might have so decided upon it, as not to leave it to a period when it might be said to be forced from them from other considerations than an admission of its justice. It was not, he trusted, yet too late, and as he expected that we should be successful in rescuing our ally from all further danger, he confidently hoped that we should seize the serene moment, and do that justice to Ireland which her case so urgently required.

The Duke of *Wellington* said, he did not rise to offer any explanation why the British government had not at an earlier period taken the course now proposed; for that he felt to be altogether unnecessary. On the contrary, it was earnestly desired to put off to the latest moment at which negotiation could be available, that which their lordships had heard this day proposed. On this part of the question it was not necessary for him to dwell, but he hoped it would be permitted to him, who had had for several years the direction of the resources of this country against the common enemy in the Peninsula, to state his opinion, that the perfidious acts of aggression on Portugal ought rather to be attributed to the servants of the Spanish government, than to that government itself. They ought, in his opinion, to be looked upon as the acts of the captains-general of provinces, and even of the ministers of the king of Spain, than as ordered or advised by his Catholic majesty. But to whomsoever they might be attributed, he fully concurred in the measures intended to repress them. It was impossible for him to see two armies on both sides of the Douro and the Guadiana making preparations for invasion, and actually violating the territory of Portugal, and not believe that those armaments were brought together with the connivance and concurrence of the authorities of the countries in which they were formed. Their aggressions, he thought, made out a *casus fœderis*, and that would afford a sufficient justification of our interference; but though the *casus fœderis* existed, he did hope that the steps which we had taken would have the desired effect. He trusted that the exertions of his majesty, aided by those of his most Christian majesty, would have the effect of bringing the king of Spain to that sense of what was due to himself and his own dignity, which would prevent him from allowing any aggression on the territories of his neighbour, and our near ally.

The Marquis of *Lansdown* said, he rose for the purpose of expressing his opinion, that it was most desirable for the interests of this country, and, he would add, for the interests of the whole world, that the measures proposed to be adopted by his majesty should have the cordial and unanimous approbation of their lordships. He was the more anxious to deliver his opinion, because he wished it to be understood, that it was not from indifference, that he had not addressed their lordships at an earlier period. When it had become notorious by the promulgation of the despatch which had been alluded to by the noble earl, that the territory of our ancient ally had been invaded, under circumstances which obviously showed that it had been done with the participation of Spain, he could assure their lordships, that it had not been until after the most anxious deliberation, that he had resolved to abstain from asking for such an explanation from his majesty's ministers as this most unwarrantable aggression seemed to call for. The resolution to which he had come was founded on a belief, which the proceedings of this day justified, that there would not be wanting on the part of the government, either a disposition to watch, or an inclination to act. He agreed with the noble duke, that it was a fair cause of commendation to his majesty's ministers that they had endeavoured to avert the calamities of war, as long as they could do so with any hope of success. He had no doubt that they would persevere with earnestness in the same spirit to check the progress of the invasion which had actually taken place, and which, under the circumstances described by the noble duke, left no doubt that Spain was involved in the design, that had prompted that invasion. He would not inquire whether it had been actually committed by the authority of the monarch, who appeared to profess one thing while he did another, or by means of that faction to which the noble duke had alluded: for this was clear, that it ought to be stopped at once, with as little hesitation by his majesty's ministers, as, he trusted, this House would display in expressing their approbation of the measures the government should adopt. Any apparent hesitation on our part,

would have been the worst policy that could have been adopted—the worst policy, not only towards the government of that country which appeared to have been the aggressor, but, he would add, the worst policy towards that other country, which, he was glad to learn, was combined with us in the design of preventing the further progress of the outrage which had been committed on our ally. He was sure, however, that the interference of the latter government for that purpose would not be less effectually made, nor less sincerely urged, when they should be convinced that it was the determination of this country to support by arms the just and sound principles of policy on which our treaties had been made. It might also be expedient to suggest to that country, if the necessity should arise, that it was consistent with common sense and common justice to adopt measures which should, for the future, compel Spain, at her peril, to respect the rights, and to refrain from attacking the independence of her neighbour. He had no doubt that the *casus fœderis* had arisen, and that upon the faith of treaties his majesty's government were compelled to adopt the measures which they had entered upon; but he would go further, and say, that upon principles of policy alone, this country ought to interfere for the defence of Portugal—not merely for the purpose of checking the attack which was now made on it, but also for the purpose of arresting at this point that attempt at interfering with the independence of nations, which, if permitted by a monarch so feeble as that by whom it was now made, could not fail to lead to courses ruinous to the interests and institutions of every free country. For these reasons, he repeated, it had become the duty of this country to resist the present outrage of Spain on Portugal—not less for the protection of her own interests, than for that of the rights and interests of all nations. He was prepared, then, to say, that the circumstances required the government of this country to use, as they had resolved to do, the military resources of the country, even if they had not been bound to do so by the faith of treaties entered into long ago, and repeatedly and solemnly renewed. He was convinced that it was incumbent on the government to take and pursue a decisive course; and feeling this, it was impossible for him to refrain from expressing his approbation of the measures which had been adopted, and of the address which had been moved. He trusted there was no reason to doubt that every effort had been made to warn Spain of the danger of the course she was pursuing. He joined in the hope expressed by the noble duke; but he confessed it was rather a hope than a belief, that the aggression which was the cause of this discussion had emanated, not from the monarch and the government of Spain, but from a faction which was unhappily too powerful in that country. But, whether it emanated from that monarch, or from persons who unfortunately were able to govern the resources of the country, it mattered not; the principle was odious, and must be resisted; and, therefore, unless the progress of the outrage should be immediately arrested, and no danger existed of further encroachment, he had no difficulty in expressing a hope that the measures of the government would have the cordial support of both Houses of parliament. For his own part, he was prepared to vote for the Address, and to pledge his support hereafter to any measures which might be necessary to give effect to the policy on which this country had hitherto acted, and was bound still to act.

The Address was agreed to, *nem. diss.*

HOUSE OF COMMONS.

Tuesday, December 12.

ADDRESS ON THE KING'S MESSAGE RESPECTING PORTUGAL.] Mr. Secretary Canning moved the order of the day, for taking into consideration His Majesty's Message. The Message having been read,

Mr. Secretary *Canning* rose and addressed the House as follows:*

Mr. Speaker; in proposing to the House of Commons to acknowledge, by an humble and dutiful Address, his Majesty's most gracious Message, and to reply to it in terms which will be, in effect, an echo of the sentiments, and a fulfilment of the anticipations of that Message, I feel that, however confident I may be in the justice, and however clear as to the policy of the measures therein announced, it becomes me as a British minister, recommending to parliament any step which may approximate this country

* From the original edition, printed for J. Ridgway, Piccadilly.

even to the hazard of a war, while I explain the grounds of that proposal, to accompany my explanation with expressions of regret.

I can assure the House, that there is not within its walls any set of men more deeply convinced than his majesty's ministers, nor any individual more intimately persuaded than he who has now the honour of addressing you—of the vital importance of the continuance of peace, to this country and to the world. So strongly am I impressed with this opinion —and for reasons of which I will put the House more fully in possession before I sit down—that, I declare, there is no question of doubtful or controverted policy; no opportunity of present national advantage; no precaution against remote difficulty; which I would not gladly compromise, pass over, or adjourn, rather than call on parliament to sanction, at this moment, any measure which had a tendency to involve the country in war. But, at the same time, Sir, I feel that which has been felt, in the best times of English history, by the best statesmen of this country, and by the parliaments by whom those statesmen were supported—I feel that there are two causes, and but two causes, which cannot be either compromised, passed over, or adjourned. These causes are, adherence to the national faith, and regard for the national honour.

Sir, if I did not consider both these causes as involved in the proposition which I have this day to make to you, I should not address the House, as I now do, in the full and entire confidence that the gracious communication of his majesty will be met by the House with the concurrence of which his majesty has declared his expectation.

In order to bring the matter, which I have to submit to you, under the cognizance of the House, in the shortest and clearest manner, I beg leave to state it, in the first instance, divested of any collateral considerations. It is a case of law and of fact—of national law on the one hand, and of notorious fact on the other; such as it must be, in my opinion, as impossible for parliament as it was for the government, to regard in any but one light; or, to come to any but one conclusion upon it.

Among the alliances by which, at different periods of our history, this country has been connected with the other nations of Europe, none is so ancient in origin, and so precise in obligation—none has continued so long and been observed so faithfully—of none is the memory so intimately interwoven with the most brilliant records of our triumphs, as that by which Great Britain is connected with Portugal. It dates back to distant centuries; it has survived an endless variety of fortunes. Anterior in existence to the accession of the House of Braganza to the throne of Portugal—it derived, however, fresh vigour from that event; and never, from that epoch to the present hour, has the independent monarchy of Portugal ceased to be nurtured by the friendship of Great Britain. This alliance has never been seriously interrupted; but it has been renewed by repeated sanctions. It has been maintained under difficulties by which the fidelity of other alliances was shaken, and has been vindicated in fields of blood and of glory.

That the alliance with Portugal has been always unqualifiedly advantageous to this country—that it has not been sometimes inconvenient and sometimes burthensome—I am not bound nor prepared to maintain. But no British statesman, so far as I know, has ever suggested the expediency of shaking it off: and it is assuredly not at a moment of need, that honour, and what I may be allowed to call national sympathy, would permit us to weigh, with an over-scrupulous exactness, the amount of difficulties and dangers attendant upon its faithful and steadfast observance. What feelings of national honour would forbid, is forbidden alike by the plain dictates of national faith.

It is not at distant periods of history, and in by-gone ages only, that the traces of the union between Great Britain and Portugal are to be found. In the last compact of modern Europe, the compact which forms the basis of its present international law—I mean the treaty of Vienna of 1815—this country, with its eyes open to the possible inconveniences of the connection, but with a memory awake to its past benefits—solemnly renewed the previously existing obligations of alliance and amity with Portugal. I will take leave to read to the House the third article of the treaty concluded at Vienna in 1815, between Great Britain on the one hand, and Portugal on the other. It is couched in the following terms:—"The Treaty of

Alliance concluded at Rio de Janeiro, on the 19th of February, 1810, being founded on circumstances of a temporary nature, which have happily ceased to exist, the said Treaty is hereby declared to be void in all its parts, and of no effect; without prejudice, however, to the ancient Treaties of alliance, friendship, and guarantee, which have so long and so happily subsisted between the two Crowns, and which are hereby renewed by the High Contracting Parties, and acknowledged to be of full force and effect."

In order to appreciate the force of this stipulation—recent in point of time, recent also in the sanction of parliament—the House will perhaps allow me to explain shortly the circumstances in reference to which it was contracted. In the year 1807, when, upon the declaration of Buonaparte—that the House of Braganza had ceased to reign—the king of Portugal, by the advice of Great Britain, was induced to set sail for the Brazils; almost at the very moment of his most faithful majesty's embarkation, a secret convention was signed between his majesty and the king of Portugal, stipulating that, in the event of his most faithful majesty's establishing the seat of his government in Brazil, Great Britain would never acknowledge any other dynasty than that of the House of Braganza on the throne of Portugal. That convention, I say, was contemporaneous with the migration to the Brazils; a step of great importance at the time, as removing from the grasp of Buonaparte the sovereign family of Braganza. Afterwards, in the year 1810, when the seat of the king of Portugal's government was established at Rio de Janeiro, and when it seemed probable, in the then apparently hopeless condition of the affairs of Europe, that it was likely long to continue there, the secret convention of 1807, of which the main object was accomplished by the fact of the emigration to Brazil, was abrogated; and a new and public treaty was concluded, into which was transferred the stipulation of the convention of 1807, binding Great Britain, so long as his faithful majesty should be compelled to reside in Brazil, not to acknowledge any other sovereign of Portugal than a member of the House of Braganza. That stipulation which had hitherto been secret, thus became patent, and part of the known law of nations.

In the year 1814, in consequence of the happy conclusion of the war, the option was afforded to the king of Portugal of returning to his European dominions. It was then felt, that, as the necessity of his most faithful majesty's absence from Portugal had ceased, the ground of the obligation originally contracted in the secret convention of 1807, and afterwards transferred to the patent treaty of 1810, was removed. The treaty of 1810 was therefore annulled at the congress of Vienna; and in lieu of the stipulation not to acknowledge any other sovereign of Portugal than a member of the House of Braganza, was substituted that which I have just read to the House.

Annulling the treaty of 1810, the treaty of Vienna renews and confirms (as the House will have seen) all former treaties between Great Britain and Portugal; describing them as "ancient treaties of alliance, friendship, and guarantee;" as having "long and happily subsisted between the two Crowns;" and as being allowed, by the two high contracting parties, to remain "in full force and effect."

What then is the force—what is the effect of those ancient treaties?—I am prepared to show to the House what it is. But before I do so, I must say, that if all the treaties to which this article of the treaty of Vienna refers, had perished by some convulsion of nature, or had, by some extraordinary accident, been consigned to total oblivion, still it would be impossible not to admit, as an incontestable inference from this article of the treaty of Vienna alone, that in a moral point of view, there is incumbent on Great Britain, a decided obligation to act as the effectual defender of Portugal. If I could not shew the letter of a single antecedent stipulation, I should still contend that a solemn admission, only ten years old, of the existence at that time of "Treaties of Alliance, Friendship, and Guarantee," held Great Britain to the discharge of the obligations which that very description implies. But fortunately there is no such difficulty in specifying the nature of those obligations. All the preceding treaties exist; all of them are of easy reference; all of them are known to this country, to Spain, to every nation of the civilized world. They are so numerous, and their general result is so uniform, that it may be sufficient to select only two of them to show the nature of all.

The first to which I shall advert is the

treaty of 1661, which was concluded at the time of the marriage of Charles the second with the Infanta of Portugal. After reciting the marriage, and making over to Great Britain, in consequence of that marriage, first a considerable sum of money, and secondly, several important places; some of which, as Tangier, we no longer possess; but others of which, as Bombay, still belong to this country—the treaty runs thus:—"In consideration of all which grants, so much to the benefit of the king of Great Britain, and his subjects in general, and of the delivery of those important places to his said majesty, and his heirs for ever, &c. the king of Great Britain does profess and declare, with the consent and advice of his council, that he will take the interest of Portugal and all its dominions to heart, defending the same with his utmost power, by sea and land, even as England itself;"—and it then proceeds to specify the succours to be sent, and the manner of sending them. I come next to the treaty of 1703; a treaty of alliance contemporaneous with the Methuen treaty which has regulated for upwards of a century the commercial relations of the two countries. The treaty of 1703 was a tripartite engagement between the States-general of Holland, England, and Portugal. The second article of that treaty sets forth, "that if ever it shall happen that the kings of Spain and France, either the present or the future, that both of them together, or either of them separately, shall make war, or give occasion to suspect that they intend to make war upon the kingdom of Portugal, either on the continent of Europe, or on its dominions beyond seas; her majesty the queen of Great Britain and the lords the States-general, shall use their friendly offices with the said kings, or either of them, in order to persuade them to observe the terms of peace towards Portugal, and not to make war upon it." The third article declares, that, in the event of these "good offices not proving successful, but altogether ineffectual, so that war should be made by the aforesaid kings or by either of them, upon Portugal, the above-mentioned powers of Great Britain and Holland, shall make war with all their force, upon the foresaid kings or king who shall carry hostile arms into Portugal; and towards that war which shall be carried on in Europe, they shall supply 12,000 men, whom they shall arm and pay, as well when in quarters as in action; and the said high allies shall be obliged to keep that number of men complete, by recruiting it from time to time at their own expense."

I am aware, indeed, that with respect to either of the treaties which I have quoted, it is possible to raise a question—whether variation of circumstances or change of times may not have somewhat relaxed its obligations. The treaty of 1661, it might be said, was so loose and prodigal in the wording; it is so unreasonable, so wholly out of nature, that any one country should be expected to defend another, "even as itself;" such stipulations are of so exaggerated a character as to resemble effusions of feeling rather than enunciations of deliberate compact. Again, with respect to the treaty of 1703, if the case rested on that treaty alone, a question might be raised, whether or not, when one of the contracting parties—Holland—had since so changed her relations with Portugal, as to consider her obligations under the treaty of 1703 as obsolete—whether or not, I say, under such circumstances, the obligation on the remaining party be not likewise void. I should not hesitate to answer both these objections in the negative. But, without entering into such a controversy, it is sufficient for me to say, that the time and place for taking such objections was at the Congress at Vienna. Then and there it was, that if you indeed considered these treaties as obsolete, you ought frankly and fearlessly to have declared them to be so. But then and there, with your eyes open, and in the face of all modern Europe, you proclaimed anew the ancient treaties of alliance, friendship, and guarantee, "so long subsisting between the Crowns of Great Britain and Portugal," as still "acknowledged by Great Britain," and still "of full force and effect." It is not, however, on specific articles alone—it is not so much, perhaps, on either of these ancient treaties, taken separately—as it is on the spirit and understanding of the whole body of treaties, of which the essence is concentrated and preserved in the Treaty of Vienna, that we acknowledge in Portugal a right to look to Great Britain as her ally and defender.

This, Sir, being the state, morally and politically, of our obligations towards Portugal, it is obvious, that when Portugal, in apprehension of the coming storm, called

on Great Britain for assistance, the only hesitation on our part could be—not whether that assistance was due, supposing the occasion for demanding it to arise—but simply whether that occasion—in other words, whether the *casus fœderis*—had arisen.

I understand, indeed, that in some quarters it has been imputed to his majesty's ministers, that an extraordinary delay intervened between the taking of the determination to give assistance to Portugal, and the carrying of that determination into effect. But how stands the fact? On Sunday, the 3rd of this month, we received from the Portuguese ambassador a direct and formal demand of assistance against a hostile aggression from Spain. Our answer was—that although rumours had reached us through France, his majesty's government had not that accurate information—that official and precise intelligence of facts—on which they could properly found an application to parliament. It was only on last Friday night that this precise information arrived. On Saturday his majesty's confidential servants came to a decision. On Sunday that decision received the sanction of his majesty. On Monday it was communicated to both Houses of parliament—and this day, Sir—at the hour in which I have the honour of addressing you—the troops are on their march for embarkation.

I trust then, Sir, that no unseemly delay is imputable to government. But, undoubtedly, on the other hand, when the claim of Portugal for assistance—a claim, clear indeed in justice, but at the same time fearfully spreading in its possible consequences, came before us, it was the duty of his majesty's government to do nothing on hearsay. The eventual force of the claim was admitted; but a thorough knowledge of facts was necessary before the compliance with that claim could be granted. The government here laboured under some disadvantage. The rumours which reached us through Madrid were obviously distorted, to answer partial political purposes; and the intelligence through the press of France, though substantially correct, was, in particulars, vague and contradictory. A measure of grave and serious moment could never be founded on such authority; nor could the ministers come down to parliament until they had a confident assurance that the case which they had to lay before the legislature was true in all its parts.

But there was another reason which induced a necessary caution. In former instances, when Portugal applied to this country for assistance, the whole power of the state in Portugal was vested in the person of the monarch. The expression of his wish, the manifestation of his desire, the putting forth of his claim, was sufficient ground for immediate and decisive action on the part of Great Britain —supposing the *casus fœderis* to be made out. But, on this occasion, inquiry was, in the first place, to be made, whether, according to the new constitution of Portugal, the call upon Great Britain was made with the consent of all the powers and authorities competent to make it; so as to carry with it an assurance of that reception in Portugal for our army which the army of a friend and ally had a right to expect. Before a British soldier should put his foot on Portuguese ground, nay, before he should leave the shores of England, it was our duty to ascertain that the step taken by the regency of Portugal was taken with the cordial concurrence of the legislature of that country. It was but this morning that we received intelligence of the proceedings of the Chambers at Lisbon, which establishes the fact of such concurrence. This intelligence is contained in a despatch from sir W. A'Court, dated 29th of November, of which I will read an extract to the House. "The day after the news arrived of the entry of the rebels into Portugal, the ministers demanded from the Chambers an extension of power for the executive government; and the permission to apply for foreign succours, in virtue of ancient treaties, in the event of their being deemed necessary. The deputies gave the requisite authority by acclamation; and an equally good spirit was manifested by the peers, who granted every power that the ministers could possibly require. They went even further, and rising in a body from their seats, declared their devotion to their country, and their readiness to give their personal services, if necessary, to repel any hostile invasion. The duke de Cadaval, president of the Chamber, was the first to make this declaration: and the minister who described this proceeding to me said, it was a movement worthy of the good days of Portugal!"

I have thus incidentally disposed of the supposed imputation of delay in complying with the requisition of the Portuguese

government. The main question, however, is this—Was it obligatory upon us to comply with that requisition? In other words, had the *casus fœderis* arisen? In our opinion it had. Bands of Portuguese rebels, armed, equipped, and trained in Spain, had crossed the Spanish frontier, carrying terror and devastation into their own country, and proclaiming sometimes the brother of the reigning sovereign of Portugal, sometimes a Spanish princess, and sometimes even Ferdinand of Spain, as the rightful occupant of the Portuguese throne. These rebels crossed the frontier, not at one point only, but at several points: for it is remarkable, that the aggression on which the original application to Great Britain for succour was founded is not the aggression with reference to which that application has been complied with. The attack announced by the French newspapers was on the north of Portugal, in the province of Tras-os-Montes; an official account of which has been received by his majesty's government only this day. But on Friday an account was received of an invasion in the south of Portugal, and of the capture of Villa Viciosa, a town lying on the road from the southern frontier to Lisbon. This new fact established, even more satisfactorily than a mere confirmation of the attack first complained of would have done, the systematic nature of the aggression from Spain against Portugal. One hostile irruption might have been made by some single corps escaping from their quarters—by some body of stragglers, who might have evaded the vigilance of Spanish authorities; and one such accidental and unconnected act of violence might not have been conclusive evidence of cognizance and design on the part of those authorities. But when a series of attacks are made along the whole line of a frontier, it is difficult to deny that such multiplied instances of hostility are evidence of concerted aggression.

If a single company of Spanish soldiers had crossed the frontier in hostile array, there could not, it is presumed, be a doubt as to the character of that invasion. Shall bodies of men, armed, clothed, and regimented by Spain, carry fire and sword into the bosom of her unoffending neighbour, and shall it be pretended that no attack, no invasion has taken place, because forsooth, these outrages are committed against Portugal by men to whom Portugal had given birth and nurture? What petty quibbling would it be to say, that an invasion of Portugal from Spain was not a Spanish invasion, because Spain did not employ her own troops, but hired mercenaries to effect her purpose? and what difference is it, except as aggravation, that the mercenaries in this instance were natives of Portugal.

I have already stated, and I now repeat, that it never has been the wish or the pretension of the British government to interfere in the internal concerns of the Portuguese nation. Questions of that kind the Portuguese nation must settle among themselves. But if we were to admit that hordes of traitorous refugees from Portugal with Spanish arms—or arms furnished or restored to them by Spanish authorities—in their hands, might put off their country for one purpose, and put it on again for another — put it off for the purpose of attack, and put it on again for the purpose of impunity — if, I say, we were to admit this juggle, and either pretend to be deceived by it ourselves, or attempt to deceive Portugal into a belief that there was nothing of external attack, nothing of foreign hostility, in such a system of aggression — such pretence and attempt would perhaps be only ridiculous and contemptible; if they did not acquire a much more serious character from being employed as an excuse for infidelity to ancient friendship, and as a pretext for getting rid of the positive stipulations of treaties.

This, then, is the case which I lay before the House of Commons. Here is, on the one hand, an undoubted pledge of national faith—not taken in a corner—not kept secret between the parties—but publicly recorded amongst the annals of history, in the face of the world. Here are, on the other hand, undeniable acts of foreign aggression, perpetrated, indeed, principally through the instrumentality of domestic traitors; but supported with foreign means, instigated by foreign councils, and directed to foreign ends. Putting these facts, and this pledge together, it is impossible that his majesty should refuse the call that has been made upon him; nor can parliament, I am convinced, refuse to enable his majesty to fulfil his undoubted obligations. I am willing to rest the whole question of to-night, and to call for the vote of the

House of Commons upon this simple case; divested altogether of collateral circumstances; from which I especially wish to separate it, in the minds of those who hear me, and also in the minds of others, to whom what I now say will find its way. If I were to sit down this moment, without adding another word, I have no doubt but that I should have the concurrence of the House in the Address which I mean to propose.

When I state this, it will be obvious to the House, that the vote for which I am about to call upon them, is a vote for the defence of Portugal, not a vote for war against Spain. I beg the House to keep these two points entirely distinct in their consideration. For the former I think I have said enough. If, in what I have now further to say, I should bear hard upon the Spanish government; I beg that it may be observed, that unjustifiable as I shall show their conduct to have been — contrary to the law of nations, contrary to the law of good neighbourhood, contrary, I might say, to the laws of God and man — with respect to Portugal— still I do not mean to preclude a *locus pœnitentiæ*, a possibility of redress and reparation. It is our duty to fly to the defence of Portugal—be the assailant who he may. And, be it remembered, that, in thus fulfilling the stipulations of ancient treaties, of the existence and obligation of which all the world are aware, we, according to the universally admitted construction of the law of nations, neither make war upon that assailant, nor give to that assailant, much less to any other power, just cause of war against ourselves.

Sir, the present situation of Portugal is so anomalous, and the recent years of her history are crowded with events so unusual, that the House will, perhaps, not think that I am unprofitably wasting its time, if I take the liberty of calling its attention shortly and succinctly to those events, and to their influence on the political relations of Europe. It is known that the consequence of the residence of the king of Portugal in Brazil, was to raise the latter country from a colonial to a metropolitan condition; and that from the time when the king began to contemplate his return to Portugal, there grew up in Brazil a desire of independence that threatened dissension, if not something like civil contest between the European and American dominions of the House of Braganza. It is known also that Great Britain undertook a mediation between Portugal and Brazil, and induced the king to consent to a separation of the two Crowns—confirming that of Brazil on the head of his eldest son. The ink with which this agreement was written was scarcely dry, when the unexpected death of the king of Portugal produced a new state of things, which re-united on the same head the two Crowns which it had been the policy of England, as well as of Portugal, and of Brazil to separate. On that occasion, Great Britain, and another European court, closely connected with Brazil, tendered advice to the emperor of Brazil, now become king of Portugal; which advice it cannot be accurately said that his imperial majesty followed—because he had decided for himself before it reached Rio dé Janeiro; but in conformity with which advice, though not in consequence of it, his imperial majesty determined to abdicate the Crown of Portugal in favour of his eldest daughter. But the emperor of Brazil had done more. What had not been foreseen—what would have been beyond the province of any foreign power to advise—his imperial majesty had accompanied his abdication of the Crown of Portugal with the grant of a free constitutional charter to that kingdom.

It has been surmised that this measure, as well as the abdication which it accompanied, was the offspring of our advice. No such thing: Great Britain did not suggest this measure. It is not her duty nor her practice to offer suggestions for the internal regulation of foreign states. She neither approved nor disapproved of the grant of a constitutional charter to Portugal: her opinion upon that grant was never required. True it is, that the instrument of the constitutional charter was brought to Europe by a gentleman of high trust in the service of the British government. Sir C. Stuart had gone to Brazil to negociate the separation between that country and Portugal. In addition to his character of plenipotentiary of Great Britain, as the mediating power, he had also been invested by the king of Portugal with the character of his most faithful majesty's plenipotentiary for the negotiation with Brazil. That negotiation had been brought to a happy conclusion; and therewith the British part of sir C. Stuart's commission had terminated. But sir C. Stuart was still resident at Rio de Janeiro, as the

plenipotentiary of the king of Portugal, for negociating commercial arrangements between Portugal and Brazil. In this latter character it was, that sir C. Stuart, on his return to Europe, was requested by the emperor of Brazil to be the bearer to Portugal of the new constitutional charter. His majesty's government found no fault with sir C. Stuart for executing this commission; but it was immediately felt, that if sir C. Stuart were allowed to remain at Lisbon, it might appear, in the eyes of Europe, that England was the contriver and imposer of the Portuguese constitution. Sir C. Stuart was, therefore, directed to return home forthwith, in order that the constitution, if carried into effect there, might plainly appear to be adopted by the Portuguese nation itself, not forced upon them by English interference.

As to the merits, Sir, of the new constitution of Portugal, I have neither the intention, nor the right, to offer any opinion. Personally, I may have formed one, but as an English minister, all I have to say is,—"May God prosper this attempt at the establishment of constitutional liberty in Portugal! and may that nation be found as fit to enjoy and to cherish its new-born privileges, as it has often proved itself capable of discharging its duties amongst the nations of the world."

I, Sir, am neither the champion nor the critic of the Portuguese constitution. But it is admitted on all hands to have proceeded from a legitimate source—a consideration which has mainly reconciled continental Europe to its establishment: and to us, as Englishmen, it is recommended, by the ready acceptance which it has met with from all orders of the Portuguese people. To that constitution, therefore, thus unquestioned in its origin, even by those who are most jealous of new institutions,—to that constitution, thus sanctioned in its outset by the glad and grateful acclamations of those who are destined to live under it,—to that constitution, founded on principles in a great degree similar to those of our own, though differently modified,—it is impossible that Englishmen should not wish well. But it would not be for us to force that constitution on the people of Portugal, if they were unwilling to receive it,—or if any schism should exist amongst the Portuguese themselves, as to its fitness and congeniality to the wants and wishes of the nation. It is no business of ours to fight its battles. We go to Portugal in the discharge of a sacred obligation, contracted under ancient and modern treaties. When there, nothing shall be done by us to enforce the establishment of the constitution;—but we must take care that nothing shall be done by others to prevent it from being fairly carried into effect. Internally, let the Portuguese settle their own affairs; but with respect to external force, while Great Britain has an arm to raise, it must be raised against the efforts of any power that should attempt forcibly to control the choice, and fetter the independence of Portugal.

Has such been the intention of Spain? Whether the proceedings which have lately been practised or permitted in Spain were acts of a government exercising the usual power of prudence and foresight (without which a government is, for the good of the people which live under it, no government at all), or whether they were the acts of some secret illegitimate power—of some furious fanatical faction, over-riding the counsels of the ostensible government, defying it in the capital, and disobeying it on the frontiers—I will not stop to inquire. It is indifferent to Portugal, smarting under her wrongs,—it is indifferent to England, who is called upon to avenge them,—whether the present state of things be the result of the intrigues of a faction, over which, if the Spanish government has no control, it ought to assume one as soon as possible,—or of local authorities over whom it has control, and for whose acts it must, therefore, be held responsible. It matters not, I say, from which of these sources the evil has arisen. In either case, Portugal must be protected; and from England that protection is due.

It would be unjust, however, to the Spanish government, to say, that it is only amongst the members of that government that an unconquerable hatred of liberal institutions exists in Spain. However incredible the phenomenon may appear in this country, I am persuaded that a vast majority of the Spanish nation entertain a decided attachment to arbitrary power, and a predilection for absolute government. The more liberal institutions of countries in their neighbourhood have not yet extended their influence into Spain, nor awakened any sympathy in the mass

of the Spanish people. Whether the public authorities of Spain did or did not partake of the national sentiment, there would almost necessarily grow up between Portugal and Spain, under present circumstances, an opposition of feelings, which it would not require the authority or the suggestions of the government to excite and stimulate into action. Without blame, therefore, to the government of Spain—out of the natural antipathy between the two neighbouring nations—the one prizing its recent freedom, the other hugging its traditionary servitude—there might arise mutual provocations, and reciprocal injuries which, perhaps, even the most active and vigilant ministry could not altogether restrain. I am inclined to believe that such has been, in part at least the origin of the differences between Spain and Portugal. That in their progress they have been adopted, matured, methodized, combined, and brought into more perfect action, by some authority more united and more efficient than the mere feeling disseminated through the mass of the community, is certain; but I do believe their origin to have been as much in the real sentiment of the Spanish population, as in the opinion or contrivance of the government itself.

Whether this be or be not the case, is precisely the question between us and Spain. If, though partaking in the general feelings of the Spanish nation, the Spanish government has, nevertheless, done nothing to embody those feelings, and to direct them hostilely against Portugal; if all that has occurred on the frontiers, has occurred only because the vigilance of the Spanish government has been surprised, its confidence betrayed, and its orders neglected—if its engagements have been repeatedly and shamefully violated, not by its own good will, but against its recommendation and desire—let us see some symptoms of disapprobation, some signs of repentance, some measures indicative of sorrow for the past, and of sincerity for the future. In that case his majesty's message, to which I propose this night to return an answer of concurrence, will retain the character which I have ascribed to it,—that of a measure of defence for Portugal, not a measure of resentment against Spain.

With these explanations and qualifications, let us now proceed in the review of facts. Great desertions took place from the Portuguese army into Spain, and some desertions took place from the Spanish army into Portugal. In the first instance, the Portuguese authorities were taken by surprise; but, in every subsequent instance, where they had an opportunity of exercising a discretion, it is but just to say, that they uniformly discouraged the desertions of the Spanish soldiery. There exist between Spain and Portugal specific treaties, stipulating the mutual surrender of deserters. Portugal had, therefore, a right to claim of Spain that every Portuguese deserter should be forthwith sent back. I hardly know whether from its own impulse, or in consequence of our advice, the Portuguese government waved its right under those treaties; very wisely reflecting, that it would be highly inconvenient to be placed by the return of their deserters, in the difficult alternative of either granting a dangerous amnesty, or ordering numerous executions. The Portuguese government, therefore, signified to Spain that it would be entirely satisfied if, instead of surrendering the deserters, Spain would restore their arms, horses, and equipments; and, separating the men from their officers, would remove both from the frontiers into the interior of Spain. Solemn engagements were entered into by the Spanish government to this effect—first with Portugal, next with France, and afterwards with England. Those engagements, concluded one day, were violated the next. The deserters, instead of being disarmed and dispersed, were allowed to remain congregated together near the frontiers of Portugal; where they were enrolled, trained, and disciplined, for the expedition which they have since undertaken. It is plain that in these proceedings, there was perfidy somewhere. It rests with the Spanish government to show, that it was not with them. It rests with the Spanish government to prove, that if its engagements have not been fulfilled—if its intentions have been eluded and unexecuted, the fault has not been with the government; and that it is ready to make every reparation in its power.

I have said that these promises were made to France and to Great Britain, as well as to Portugal. I should do a great injustice to France if I were not to add, that the representations of that government upon this point, with the cabinet of Madrid, have been as urgent, and, alas!

as fruitless, as those of Great Britain. Upon the first irruption into the Portuguese territory, the French government testified its displeasure by instantly recalling its ambassador: and it further directed its chargé d'affaires to signify to his Catholic majesty, that Spain was not to look for any support from France against the consequences of this aggression upon Portugal. I am bound, I repeat, in justice to the French government, to state, that it has exerted itself to the utmost, in urging Spain to retrace the steps which she has so unfortunately taken. It is not for me to say whether any more efficient course might have been adopted to give effect to their exhortations: but as to the sincerity and good faith of the exertions made by the government of France, to press Spain to the execution of her engagements, I have not the shadow of a doubt:—and I confidently reckon upon their continuance.

It will be for Spain, upon knowledge of the step now taken by his majesty, to consider in what way she will meet it. The earnest hope and wish of his majesty's government is, that she may meet it in such a manner as to avert any ill consequences to herself, from the measure into which we have been driven by the unjust attack upon Portugal.

Sir, I set out with saying, that there were reasons which entirely satisfied my judgment that nothing short of a point of national faith or national honour, would justify at the present moment, any voluntary approximation to the possibility of war. Let me be understood, however, distinctly, as not meaning to say that I dread war in a good cause (and in no other may it be the lot of this country ever to engage!), from a distrust of the strength of the country to commence it, or of her resources to maintain it. I dread it, indeed, but upon far other grounds; I dread it from an apprehension of the tremendous consequences which might arise from any hostilities in which we might now be engaged. Some years ago, in the discussion of the negotiations respecting the French war against Spain, I took the liberty of adverting to this topic. I then stated that the position of this country in the present state of the world was one of neutrality, not only between contending nations, but between conflicting principles; and that it was by neutrality alone that we could maintain that balance, the preservation of which, I believed to be essential to the welfare of mankind. I then said, that I feared that the next war which should be kindled in Europe, would be a war not so much of armies, as of opinions. Not four years have elapsed, and behold my apprehension realized! It is, to be sure, within narrow limits that this war of opinion is at present confined: but it is a war of opinion, that Spain (whether as government or as nation) is now waging against Portugal; it is a war which has commenced in hatred of the new institutions of Portugal. How long is it reasonable to expect that Portugal will abstain from retaliation? If into that war this country shall be compelled to enter, we shall enter into it with a sincere and anxious desire to mitigate rather than exasperate,—and to mingle only in the conflict of arms, not in the more fatal conflict of opinions. But I much fear that this country (however earnestly she may endeavour to avoid it), could not, in such case, avoid seeing ranked under her banners all the restless and dissatisfied of any nation with which she might come in conflict. It is the contemplation of this new power in any future war, which excites my most anxious apprehension. It is one thing to have a giant's strength, but it would be another to use it like a giant. The consciousness of such strength is, undoubtedly, a source of confidence and security; but in the situation in which this country stands, our business is not to seek opportunities of displaying it, but to content ourselves with letting the professors of violent and exaggerated doctrines on both sides feel, that it is not their interest to convert an umpire into an adversary. The situation of England, amidst the struggle of political opinions which agitates more or less sensibly different countries of the world, may be compared to that of the ruler of the winds, as described by the poet:—

—"Celsâ sedet Æolus arce,
Sceptra tenens; mollitque animos et temperat iras;
Ni faciat, maria ac terras cœlumque profundum
Quippe ferant rapidi secum, verrantque per auras."

The consequence of letting loose the passions, at present chained and confined, would be to produce a scene of desolation which no man can contemplate without horror; and I should not sleep easy on my couch, if I were conscious that I had contributed to precipitate it by a single moment.

This, then, is the reason—a reason very different from fear—the reverse of a consciousness of disability,—why I dread the recurrence of hostilities in any part of Europe; why I would bear much, and would forbear long; why I would (as I have said) put up with almost any thing that did not touch national faith and national honour;—rather than let slip the furies of war, the leash of which we hold in our hands,—not knowing whom they may reach, or how far their ravages may be carried. Such is the love of peace which the British government acknowledges; and such the necessity for peace which the circumstances of the world inculcate. I will push these topics no further.

I return, in conclusion, to the object of the address. Let us fly to the aid of Portugal, by whomsoever attacked, because it is our duty to do so; and let us cease our interference where that duty ends. We go to Portugal, not to rule, not to dictate, not to prescribe constitutions, but to defend and to preserve the independence of an ally. We go to plant the standard of England on the well-known heights of Lisbon. Where that standard is planted, foreign dominion shall not come. The right hon. gentleman concluded with moving an address couched in the same terms as the one moved by earl Bathurst in the House of Lords. [See p. 343.]

Sir *Robert Wilson* said, he thought that his majesty as a British king reigning over a free people, must have experienced feelings of pride and satisfaction, when he caused the message before them to be delivered to both Houses. For his own part, when he gave notice of a motion on this subject the other evening, he had not been induced to do so from any desire that it should be the ground of an accusation against ministers, but because he could no longer behold with patience the many acts of treachery and oppression exercised against Portugal. He rejoiced most sincerely at hearing from ministers, that it was their determination to put a stop to these aggressions. He had been fearful, that assistance would not be afforded to Portugal, until the Spaniards, assisted by Portuguese traitors, had reached the seat of government in that kingdom, overthrown the constitution, and expelled every worthy man from the country. He was alarmed lest we should again have seen our streets crowded with unhappy exiles, suing for the means of existence. The feelings of the Spaniards towards this country might be judged of by the sentiments which had been expressed by one of their principal officers, that it was necessary for the peace of Europe, that British influence should be driven from Portugal. He thought the right hon. Secretary had hardly stated in sufficiently forcible terms the imperative obligation which there was on this country, by the faith of treaties, to protect Portugal. The right hon. gentleman had also observed, that the Spanish government had still an opportunity for repentance; as if the king of Spain were likely to alter his conduct, or retrace his steps. What confidence could be placed in the declarations of a sovereign, who, on the very day that he signed an act of amnesty at Cadiz, had also signed an act of proscription of the most sanguinary and revolting nature; and who had recently sent to the pope, to know whether, if he should be compelled by force to recognize the constitution of Portugal, such recognition would be binding on his conscience? We had only to adopt a spirited course on the present occasion, and it would be attended with the desired effect. He could not give much credit to the professions of France, as long as she continued to retain possession of Cadiz and Barcelona. Ministers were bound to require her to withdraw her troops from Spain, if it were only out of regard to our own interest; for, until she did this, it would not be possible for us to reduce our establishments. As well might an insurance company lock up their engines when parties were abroad with torches in their hands ready to create a conflagration. The right hon. gentleman had represented the Spaniards as hating all liberal principles and institutions. Now, it seemed to him, that this feeling was not so universal amongst them, as the right hon. gentleman supposed. As an instance to the contrary, he might mention the revolt of the Isle de Leon, and the spontaneous erection of the constitutional government. He called upon ministers to take every precaution which the circumstances of the case would admit, not to add more than was absolutely requisite to the burthens of the country. It was impossible in human affairs, particularly with regard to war, to predict what the result would be;

whether disaster or success. It was, however, gratifying to know, that in the present instance the cause was just. Never could a nation have gone into battle with a greater assurance than we possessed that God and justice was on their side. That was the motto which should be borne upon our banners. Whatever might be the result, he would never shrink from the responsibility of having urged the British government to adopt a hostile position.

Mr. *Hume* begged to be allowed to state briefly the grounds upon which he claimed the attention of the House. His hon. and gallant friend had treated this question in a way from which he materially dissented, and he should think himself wanting in his duty, if he did not express his dissent; but, in so doing, he begged to be understood as appreciating to as full an extent as any man, the effect of the unanimous approbation with which the speech of the right hon. gentleman was received, and that he was not unconscious of the embarrassment in which he was placed by venturing to oppose to that unanimity perhaps his isolated opinion. The first observations which he should make upon the statement which the House had just heard, was, that the right hon. gentleman seemed to have taken only one view of the question; namely, the relation in which this country was placed with respect to Portugal by treaty. Now, to the actual fact of this relation, he could not object, because he was assured that treaties were in existence by which it was established; but he thought that such treaties were to be deprecated, and it would not be amiss to discuss the question, whether or not in sound political expediency and discretion, we were to be bound by them. What was the situation in which this country was now placed? Was it not that, by the right hon. gentleman's interpretation, we were, upon every occasion of emergency in which Portugal might be placed, to give her our aid and protection, although it was morally certain, that from our relative conditions, we could never expect to receive any assistance from her? He felt that it was too late in the day now to inquire why or wherefore these treaties were made; because that they were made was certain, and it was certain also that they had been proclaimed in the face of Europe, in 1815, and that we were, so far as these treaties were binding, called upon to assist our oldest ally, Portugal, in her difficulties. But the question now was, whether or not these treaties ought to be considered as binding, and whether we were called upon, in sound policy, to plunge rashly into hostilities, of which no man could see the end? That a state of tranquillity and neutrality was the most wholesome for this country, suffering as it still was from its former extraordinary struggles, no man could deny. It had been admitted by every man who considered the subject; and had not been denied, but even strongly insisted on by the right hon. gentleman himself, in former debates in that House. The glowing colours in which that right hon. gentleman had clothed the present question this night, seemed to have dazzled his own sight. He had wholly overlooked the most important point of all; namely, whether this country was in a condition to go to war, or able to bear the new burthens which such a state of things would impose upon it. It was very fine to talk of keeping faith with foreigners, but the right hon. gentleman was about to place this country in a state, that it must either break the national faith with its own creditors at home or with its allies abroad. These were consequences which, perhaps, the right hon. gentleman did not appear to foresee. The question then was, whether, under these circumstances, the right hon. gentleman had made out a case to justify the commencement of hostilities. The despatches which decided ministers to adopt their present course were received on Friday. A Cabinet Council was held on Saturday; on Monday a message was brought down to the House from his majesty, and already troops were on their march. What were the grounds of these precipitate measures? The right hon. gentleman said, that in case of a hostile aggression against Portugal, this country was bound by treaty to defend her, and therefore he had determined to plant the standard of England there. Admitting the existence of all the treaties to which the right hon. gentleman had alluded, still he did not think that a *casus fœderis* had been made out, which warranted this country in entering upon hostilities. The right hon. gentleman had informed the House, that certain rebels who had taken refuge in Spain, had afterwards entered Portugal. That was not a case which came within the scope of the treaties, and called on us to take up arms in defence of Portugal.

The Spanish government had declared that it would not permit any aggression upon Portugal by any of its own subjects, and no such aggression had been made by Spaniards. The only document which ministers had produced was a single letter. The House was not warranted in supporting them on such slight authority. The statements which were contained in the letter received, might turn out to be incorrect or exaggerated. He recollected, that three years and a half ago, the right hon. gentleman most ably and sensibly stated the advantage which this country would derive from remaining at peace, and strongly enforced the necessity of maintaining neutrality. The House was then as unanimous in supporting the right hon. gentleman's recommendations of neutrality, as they were now anxious to agree with him in rushing headlong into a war. The language which the right hon. gentleman had used on that occasion was as follows: — "Was there any man acquainted with the history of the country for the last twenty years, who did not know the way in which Great Britain had been accustomed to participate in a war? Did not gentlemen know, that if we were now to enter into a war, we must take the whole burthen of it upon ourselves, and conduct the whole force and exertions of the Peninsula?" Did the right hon. gentleman mean to say that we were to conduct the war on the present occasion upon such principles? If he did, he asked the House whether they would enter upon such a war, when the finances of the country were hardly sufficient to meet its current expenses? He was convinced there was not a man in the House who would put his hand to his heart and say, that the existing distresses of all classes of the community ought to be aggravated by the imposition of fresh burthens, to enable ministers to carry on a war which was not demanded for our own defence, and not even required by treaty, but merely because a few Portuguese rebels had risen against their government. We were now about to commence hostilities which would lead to a war with France. If the right hon. gentleman had wished to place this country in a proper situation with respect to France and the Peninsula, he should have come down to the House and proposed the repeal of the foreign enlistment bill, which had been the ruin of Spanish liberty. He had expected that his hon. friends about him would, instead of agreeing to the address, have moved for a call of the House, in order to bring the whole of the members of the new parliament together. It was not acting properly to decide hastily upon a question of such importance. They ought to pause till ministers received further information from Spain. The intelligence upon which they were now proceeding might turn out to be incorrect. He recollected that, on a former occasion, the right hon. gentleman said, he had been mistaken with respect to some statements which he had made regarding France. As to France, considering the wily policy which she had all along observed with respect to the Peninsula, he thought the right hon. gentleman ought to mistrust her present professions. Did any man believe that France sincerely wished to repress the misconduct of the Spanish government? The right hon. gentleman seemed to be afraid to place the saddle on the right horse. He did not venture to condemn the faithless conduct of France. Let him repeal the foreign enlistment act, and call on France to withdraw her troops from Spain. If this were not done, this extraordinary state of things would arise—French troops would be in possession of Spain, and English troops in possession of Portugal. The right hon. gentleman had talked as if the war was to be a crusade against fanaticism, and not against the government of Spain. That government, it was said, meant well, but there were certain fanatics in France and Spain who had driven matters to the present crisis. Why did not the right hon. gentleman call upon France to withdraw her troops from Spain; the presence of which alone enabled the king of Spain to do either good or evil? It was well known that the king of Spain could not maintain himself even for a few weeks without the assistance of the French troops. Let not the House be led away by the eloquence of the right hon. gentleman. He had talked about letting "slip the dogs of war." They were already let slip. They were on their march [a laugh]. He did not know the meaning of that laugh. Either they were or they were not. His hon. friends seemed to think that he had mistaken the object of their march; but that was not the case. The hon. member once more begged the House not to resolve to commence hostilities, on the contradictory statement of the right

hon. gentleman, merely to quell the rebellion of one or two Portuguese regiments. The manner in which the House seemed disposed to act on the present occasion was in direct opposition to the line of conduct which they adopted three years ago. The right hon. gentleman was mistaken, in supposing that he would carry with him the feelings of the people of England with regard to the proposed war, at a time when the workmen, in the most important branches of industry were unable to obtain the means of subsistence. The war could not be carried on without the imposition of fresh taxes, and therefore nothing but the necessity of defending ourselves ought to induce the House to consent to the commencement of hostilities. He knew it was an ungrateful task for an individual to state opinions which were opposed to those of the majority of the House, but he felt it his duty to enter his protest against the measures proposed by ministers. If the Portuguese government could not, with the alliance of France, Spain, and England, and assisted by us, as she was at present, with ships and men, crush the rebellion which had been raised against it, all attempts to support it would be futile. He would again trouble the House with some passages from the speech which the right hon. gentleman had made three years and a half ago, when he dissuaded the House from going to war. The right hon. gentleman then said—"War, in the responsibility of those who had to make it, ought to be well and duly weighed before it was resolved on; the cause of it should not merely be sufficient, but urgent; and not merely urgent, but absolutely consistent with the interest and welfare of the country which first declared it." He went on to say—"He did hope, that whenever England determined upon war, it would determine to wage it, not as an auxiliary, but as a principal. Such had hitherto been its policy, and on all former occasions, when it had resorted to war, it had exerted every nerve to bring it to a safe, a speedy, and an honourable conclusion." Those words ought to induce the House to refrain from entering upon a war, at least until they had time for further deliberation. Every man acquainted with the history of Europe, must know, that the unfurling of the standard of England upon the continent might involve us in a general war, which we were in no condition to maintain. These being his sentiments, he was anxious to move as an amendment to the right hon. gentleman's motion, that the House should be called over on that day week. They would then at least have the merit of having well considered the question. The question of peace or war deserved to be well considered. The next packet from Lisbon might bring accounts of the rebels having either yielded or fled. If that should happen, we should become the sport of Europe, for having been so ready to send out troops, without any necessity for such a proceeding.—The hon. member then moved as an amendment, "That this House be called over on this day seven-night."

Mr. *Wood*, member for Preston, seconded the amendment. He said, he thought it was not fair to bring forward a question of such great importance at a time when so many members had left town. He was also of opinion, that the House would be acting with indecent and ruinous precipitation, if they allowed themselves to be hurried into a war merely by the dazzling and brilliant speech of the right hon. gentleman. He did not wish to prejudge the question of war or peace, but he seconded the amendment, in order to give the House further time to deliberate. If the House should agree to the address proposed by the right hon. gentleman, and a war should ensue, they must be prepared to support the imposition of a very high property-tax, and the re-enactment of the Bank Restriction Act; two measures which he would never consent to, so long as he had a seat in that House. There was also a third measure which the House must be prepared to agree to, but which he would rather accord as a boon than a right. He meant Catholic Emancipation. In the event of a war, emancipation would be demanded not as a favour, but a right. If he never gave another vote in that House, he should rejoice at having stood up to express his sentiments on the present occasion. He would not make a long speech, because he could do no more than reiterate what he had already said. He was desirous of keeping faith with foreign nations, but he could not forget that we owed good faith to ourselves. Self-preservation was the first law of nature. Thousands of Englishmen were at this moment wanting bread. Should the House resolve to commence a war under such circumstances, what

could they say to the starving manufacturers in the north? To our own people we were bound by the ties of nature; foreign ties were merely conventional.

Mr. *Baring* said, he was not one of those who wished the country to rush into a war; on the contrary, he had listened to the statement of the right hon. Secretary with a strong desire to find such a proceeding unnecessary—to discover some means of evasion—but it appeared to him, that the case made out by the right hon. Secretary was so strong and so decisive, that without making some such excuse as the meanest and most contemptible nation in the world might be inclined to frame, this country could not avoid taking the attitude which it was proposed she should take. He put it to the greatest lover of peace in that House, whether an exhibition of pusillanimity was the way to secure respect and peace. Did an individual ever suppress insult or aggression by the reputation of pusillanimity? It was in vain to talk to the House about a property-tax, and a Bank restriction act. The only question for the House to consider was this—"Is the faith of England engaged to afford protection to Portugal?" Neither the hon. member who had moved, nor the hon. member who had seconded the amendment, had uttered one word which could induce the most credulous to hesitate for one moment to decide that question in the affirmative. The hon. member for Aberdeen had said, that our treaties with Portugal were imprudent. Upon the whole, he thought so too; but with the nature of those treaties the House, at the present moment, had nothing to do. The question was, did they exist? Could any man, possessing a spark of honour, say that this was the moment to discuss the prudence of those treaties? Now that we were called upon to execute our agreement with Portugal, would it be honourable to say that we thought the treaties imprudent? Whatever might be the distress which existed in the country, he was sure that the case made out by the right hon. Secretary could not be fairly stated, without meeting with the unanimous concurrence of his high-minded, though suffering countrymen. If the situation of the country were such as to render it impossible for us to go to war, it would be the more manly course to say so at once, and not to quibble about the prudence of the treaties into which we had entered. In addition to any argument as to the existence of treaties, which, although they might be burthensome, it was impossible for us to get rid of; the security of this country was vitally interested in maintaining the integrity of Portugal. He had, for years, looked with great distrust and anxiety to the state of the Peninsula; and he was clearly of opinion, that it would have been better for England, if ministers had shown that resolution four years ago in the case of Spain, which they now displayed in the affairs of Portugal. He was confident that if that course had been taken, great mischief would have been spared to Europe. It could not fail to happen, that our conduct on that occasion should, at some time or other, draw us into a scrape; for the right hon. gentleman told the House of a different feeling in Spain from that which existed in Portugal; of the people of Spain being partial to a despotic government; of their disliking a free constitution. Without doubting the accuracy of the right hon. gentleman's information, he was disposed to think that on this point he was incorrect. Because, if the case was so, what answer could the French ambassador have to make to a question, which probably the right hon. gentleman had asked him; namely, "Why it was that the French delayed withdrawing their troops from Spain?" Because, if the Spaniards were so unanimous in their hatred of all liberal government, that they not only rejected it themselves, but could not be restrained from breaking into Portugal to annihilate it, what necessity was there for the French remaining in Spain to defend the royalist cause? He rather feared, that France, having once been permitted to enter Spain, would feel a difficulty about leaving it. He had no doubt of the feeling of France, or of her disposition to maintain peace with this country; but still, to leave such a political engine as Spain, from year to year, in the hands of France, he thought most impolitic and dangerous. The French were in Spain: we had no prospect of getting them out of Spain: and, if we suffered them to enter Portugal, the whole line of coast belonging to the Peninsula, which we had the most absolute interest in defending against them, would be under their control. He repeated that this could not be. It was

true that we had the friendly professions of France; but the friendly professions of other countries were very bad security for the safety of this. France might, and did, assure us of her good intentions; but our ancestors were not satisfied with such assurances: they took care to keep better security in their hands; and we ought to follow their example. If we allowed France, by peaceable management, to get possession of Spain, we gave her precisely what her policy had always wanted—what Louis 14th had imperfectly obtained, and what Napoleon had aimed at. He repeated, that it would be impossible for any diplomatic skill to place the Peninsula in a state more dangerous to the interests of this country than that in which it stood at present. It was said, that the government of Spain was not a party to these measures; that there was a power there behind the throne greater than the throne itself; but the same thing had been said of this, and of every other country. He looked to what the measures amounted to, rather than to the quarter from whence they came. The question then was, had the right hon. Secretary taken the proper course to meet the question? He believed that, whether the French were sincere, or whether they were insincere, the right hon. gentleman had taken the only safe course; and that, if we were to hesitate for a moment, from any consideration of the resources of the country, we should put ourselves in such a situation as to be below notice. The country was in a condition to go to war; for the people were willing, and would go along with the government. He believed that no government, or parliament, or king, could again make this country embark in an unjust war. That day was gone by; but he was convinced that if war was essential to the national honour, the means of the country were perfectly adequate to the purpose. The war could not be looked at as an enormous expense; and when they considered the amount of taxes which had been repealed during the peace, he could not but think that the statement of the pressure of the times had been exaggerated. The present measure could not be treated like a private question—like a matter of local expense, or the passing of a turnpike bill; and he was only surprised that there should be a single member in the House disposed to object to it. He never denied the necessity of saving, as far as it was safe or practicable. He was not an advocate for a crusade in support of liberal opinions. We had quite enough to do to look after our own interests: but here our ally, our ancient ally, had been attacked, and for no other reason than because she had a free constitution. If Portugal had been a despotism there would have been no attack; but Portugal had a free constitution, and that was the offence [cheers]. He had not read their constitution. He was not much given to the reading of new constitutions; but when they were told that it had emanated from the imperial palace of Brazil, he could not suppose it had any very formidable leaning towards popular rights. Now, in a case like this, advocate as he was for the avoidance of every gratuitous measure of interference, he thought it was impossible for England to hesitate. The government of Spain, or the power behind the throne, or before it, that ruled that government, might go on if they pleased, maintaining and enforcing their own system in their own dominions, as long as the imbecility or ignorance of the people would induce them to crouch under it; but they must not be permitted to carry their abhorrence of freedom so far as to rush to the destruction of those blessings where they existed within the territories of our allies.

Mr. *Bankes* said, he doubted very much the proposition of the hon. member for Callington, that the contest into which the country was about to rush, would not prove expensive. He was strongly inclined to consider that which had recently taken place rather as an act of internal commotion connected with Portugal, than as any measure proceeding from external powers in hostility to our ally. He thought that we ought at least to be perfectly sure that war was indispensable before we rushed into it; and, though it would be impossible for him to vote for the amendment, that was a fact of which all the eloquence of the right hon. Secretary had not convinced him.

Mr. *Brougham* said, he should have left the question before the House precisely as it stood upon the statement of the right hon. Secretary, if it had not been that, after the part which (he now reflected with pleasure) he had taken on the subject of Spanish affairs two years back, it was impossible for him to give a silent vote upon the question now under discussion: but,

as the case stood, he should begin by entreating the hon. member for Aberdeen, and the hon. member by whom the amendment had been seconded, to believe that it was not from any disrespect to the motives which had actuated their conduct, if the first words which he uttered were to protest entirely against it. If he could persuade himself for a moment, that the impending contest could safely be avoided; if he could see any way of honourably escaping from it; if he could discover any alternative between the course of active preparation for war (he trusted not of actual war) on the one hand, and of a breach of national faith, a sacrifice of the country's honour on the other, then, perhaps, he might be in a more equable state of mind upon the question, more capable of listening to the arithmetic of the hon. member for Aberdeen; because he might then be able, in some degree, to adjust his vote according to the result of his calculations; but there were circumstances in which countries as well as individuals might be placed, in which to compute the costs would be impossible, frivolous, disgraceful alike to the country and to the individual. The question was this, could a nation be bound by treaties? Was there, or was there not, in every nation, such a body politic—always existing—as was capable of binding that nation by its acts to other powers, in such compacts and obligations as, for centuries forward, should continue and remain the same? That such a body did exist in every civilized nation, and that we—England—were bound by the treaties which had been entered into on our parts, although the executive government which had entered into those agreements for us with foreign states no longer existed, or did not remain the same—that was a proposition, which, by the very hardiest, he presumed, was not intended to be denied. Then, it was not a very old treaty which bound us here. Its antiquity could make no difference; but it was not an old obligation. If, in Charles 2nd's time, in consideration of the sum of money which that most abandoned and profligate tyrant squandered the moment it was received into his coffers, the treaty with Portugal had been contracted, it must be remembered, that there was another consideration attached to that treaty, besides the money so infamously spent—a consideration, which those who looked to the question of expense might be sorry to advert to, because it would place some of their computations on the wrong side of the account. Bombay, let it be recollected, had been obtained by England under that treaty, in addition to the 300,000*l.* which Charles 2nd had wasted: and, in common equity, that flourishing settlement, which was not destroyed or wasted, if we refused to discharge the consideration for which we received it—to fulfil the terms of our treaty with Portugal—we must be prepared to relinquish and give up. But this was not the contract under which we stood bound to Portugal. We had renewed that same treaty with Portugal in the seventeenth century; again in the eighteenth century—in the beginning of it; and again even in the year 1815—lately—but a few years back—since the hon. members for Aberdeen and for Dorsetshire, who now objected to its performance, had borne conspicuous parts in the public transactions of this country [hear, hear.] These old treaties were solemn—firm—binding—such as no country with the slightest pretension to honour could retreat from—such as no statesman of common honour, of common sense, could recommend any country to abandon. In the year 1815, at the Congress of Vienna, they had been renewed, in terms the most stringent and forcible that could confirm existing obligations. We were told, that this renewal had not been politic; that lord Castlereagh, on the part of England, had done wrong, and that he ought never to have set his hand to such an act. A fit objection that might be, to have taken at the time of executing the treaty—a fit objection to the character of lord Castlereagh, that he had ever entered into such a treaty. But was it to be contended, that this country could go on for twelve years without ever objecting to that treaty; taking all the benefit of it—admitting the obligation of it—calling upon foreign powers to fulfil their share of it—and that we could now, with security or honour after those twelve years of admission had expired, because it happened to suit our purpose to stand by the treaty no longer, turn round and say that we renounced it, because it was impolitic to have entered into it, and we regretted that we had done so! If such an argument was to be listened to in that House—to be tolerated by the people of this country—then measures ought at once, and with-

out hesitation, to be taken, to deprive the executive government of its imputed competency to treat and negociate, and to devise some new formality, or obligation, by which the nation should be presumed to be bound. Because the moment that the executive government ever attempted again to negociate with a foreign power—if indeed, after we had been so preposterous as to deny the force and weight of its contracts, any foreign power even would trifle so far, as to commence a negotiation with it—what would be the first word said? If we talked of treating upon any point of commerce, or alliance, whether it was a question about trade, or navigation, or of withdrawing the French troops now in Spain, would not the answer be this?—"You are not safe people to enter into any treaty with: you make contracts; take what advantage you can of them; and the moment you find they press upon you, you exclaim, 'We are sorry that we 'made this bargain; in good policy we 'never ought to have made it; and there'fore, good bye—for we feel ourselves en'titled to abandon it.'" The hon. member for Aberdeen had said, that the treaty which guaranteed the safety of Portugal had not been violated by what had lately been done; and the hon. member for Dorsetshire had said, that all the offence committed by Spain against Portugal was matter of internal commotion, and not a display of external hostility. Surely it was impossible that those gentlemen could have attended to the right hon. Secretary's statement of the facts. If it was meant to be said, that the right hon. gentleman had no authority for his statement of those facts—if it was to be contended, that he had been misinformed, or deceived—if, in spite of all reports, of the evidence of all persons who had private correspondence—of the statements of all foreign newspapers, disagreeing, perhaps, as to slight circumstances, and here and there exaggerating, but all agreeing upon the main points of the subject in question;—if all this was to be treated as nothing—as of no value—as stuff to be given to the winds—still, it made no difference. What difference could it make to the subject in debate? The House did not stop to ask—was this true, or was it to be doubted? They had better authority than letters or newspapers, writers at home, or correspondents abroad. They had the real authority—the only authority upon which they could be called on, in such a case, to presume truth, or to proceed—the responsibility, the official responsibility, of the right hon. Secretary himself [hear, hear]—that responsibility from which the right hon. gentleman would not shrink—from which, if he would shrink, it would be the right and the duty of the House not to suffer him. And, on that responsibility he was bound to believe, and he did believe, that an act of glaring hostility towards Portugal had been committed on the part of Spain. Why, what were the facts of the transaction? They were these: Four or five thousand men escaped, at different times, from Portugal, and assembled on different points of the Spanish frontier. These men, disciplined, accoutred, provided, and marshalled, if not officered, by Spain, were sent forth, at one and the same time, from different parts of the Spanish territory, to make their way, by different routes, to the same point in Portugal, and for the accomplishment of the same object. Was it possible—could human credulity go so far as to believe—that these men, moving off at the same time, collected, and returning for the same purpose could this be accident, or was it not obviously intention? Would any creature believe that these five thousand men, accoutred and sent forth from Spain, were the chance-divided atoms of different Portuguese regiments, fortuitously collected on the Spanish frontier, and concurring there, by accident, to second Spanish views, or aid the Spanish purpose? Must it not be most strange and unaccountable, that masses of Portuguese exiles should be found assembled, not by invitation or design, but by accident, not in a state of destitution agreeing with their avowed condition, but with arms and banners, with all the "pride, pomp, and circumstance, of war," and that, too, in a position the most advantageous to any aggressions into Portugal? Most unluckily, the Portuguese refugees were distributed through all parts of the Spanish territory which peculiarly combined the facilities necessary for a hostile incursion into Portugal. And yet the good men who regulated the affairs of the Spanish government, and the good men, to whose vigilance the care of the frontiers of Spain were intrusted, had no more notion of what was going forward, than if they were situated in the most remote and inaccessible part of the globe! If there was any man who could doubt that the passing

events were known to the Spanish government—if any man had sufficient ingenuity to discover a point on which to hang a suspicion, that the movements of the factious Portuguese were unknown to, and unauthorised by, the Spanish authorities—the man whose mind was endowed with such a happy faculty of scepticism might consistently deny that a *casus fœderis* had arisen. But even this proposition, if tenable, would not extricate the hon. gentlemen from the dilemma in which they had entangled themselves. For if the Spanish government were in such a state of imbecility as was represented, what argument did that circumstance furnish against the necessity of the interference of this country? What did it signify, whether the Spanish government authorised the aggression of the Portuguese refugees, or that it was so inefficient a government as not only to afford a refuge and a shelter to the seditious, but to suffer them to avail themselves of the Spanish resources and position, and to furnish them with Spanish stores, arms, equipments, and all other aids necessary for the accomplishment of their purpose of invading their country? It was a mere mockery to argue upon the supposed ignorance of the Spanish government, as to the hostile movements against Portugal. If she did not know of them, she ought to have known of them, and she was bound either to have prevented them; or, if she could not prevent them, she must abide the consequence—which was, that England should, by the interposition of her authority, put a stop to their further progress.—The argument of the hon. member for Dorsetshire seemed to be founded on the supposition, that we were equipping an armament against Spain, and that, in consequence of some act of that country, we were going to war against Spain. No such thing. We were going to defend Portugal.—If the Spanish government did really not know of, or was unable to prevent, the aggression upon Portugal, that was a subject upon which hereafter—so soon as we should have protected our ally from the consequences of the act of hostility which had been undoubtedly committed, no matter from what source it had proceeded—England would have the opportunity, and no doubt would readily embrace the opportunity, of receiving any proffered explanation, and of thereby avoiding what unquestionably she ought to go to the last extremity rather than not avoid, if possible; namely, the kindling of a general war in Europe. —Now it was said, that the invaders of Portugal were Portuguese, not Spaniards. But what difference did that make in the case? If one class of Portuguese subjects arrayed themselves on one side of the question, while the rest of the country embraced the other, and if an armed force marched from Lisbon against Oporto, or from Tras-os-Montes against Lisbon, to subvert the constitution, he admitted that, in such an instance, this country would not be called upon to interfere, even though we felt satisfied that the slightest movement on our part would be the means of preserving that constitution, and of defeating its enemies. However hard would be our fate in being doomed to see such an infraction of constitutional liberty, without an effort on our part to prevent it, yet we should be bound to adhere to the salutary political maxim of not interfering in the internal concerns of other countries. It was indispensable to the peace of the world and the general liberties of mankind, that such a maxim should be acted upon as the rule and the principle of our foreign policy. But these parties were not Portuguese refugees marching from Lisbon to Oporto, or from Oporto to Tras-os-Montes. This was the case of an army of four or five thousand men—he wished he could recollect the words of the right hon. gentleman, for he could not describe them in more accurate terms—this was a body of rebels who, by one act of treason, had made themselves exiles from their country, and assumed the character of foreigners—who, by a second act of treason, committed an invasion upon their country; and, by a third act of treason, resumed the name of Portuguese, in order to escape the punishment which their revolt deserved. These men, expatriating themselves, and obtaining comfort and shelter, and aid and supplies, in the country to which they had fled, were found to make war upon their own country, marshalled and accoutred, and armed, at the expense, and with the resources of Spain. Suppose it to be our case. He would put it to the hon. member for Dorsetshire. Suppose that a body of discontented subjects of this empire—he would not allude to any particular part of the country—but suppose a body of British subjects, removed from any political cause of dissatisfaction, were to take

up a position on the other side of the channel; and suppose them to be permitted to recruit on the French coast, and to make all the arrangements for a hostile expedition—imagine them marshalled, and armed, and accoutred, and furnished with every necessary resource, at the expense of the French government at Paris, or by the agency of the local authorities at Calais, Dieppe, or Boulogne, and with all the advantages of the proximity of their position, and with wind and tide inviting them to make a descent upon the coast of Kent or Sussex—suppose them to be seen hovering in French vessels upon our coast, or landing to carry the brand of invasion into the country—then suppose our minister representing at the foot of the throne at Paris—"This is an act of aggression on the part of the French government:" how would he like to be told, in reply, "An act of aggression! no such thing; true it is that your invaders raised their forces in our dominions—true, they procured an armament, and obtained all the materials for their hostile enterprise—we do not deny (for the French authorities would not, according to the hon. member for Dorsetshire, be called upon to disguise these particulars)—we do not deny that those troops have had the opportunity of passing over from our territories to your coast, and that they have been abundantly, lavishly, equipped at our expense—but it so happens, that every man of your assailants is an Englishman or an Irishman, and not a Frenchman." He was satisfied the hon. member for Dorsetshire would be one of the first to laugh at such a quibble as this being set up for a defence. But he was told that this was a case of great and painful interest—that war once allowed to commence, no man could pretend to the gift of being able to state where its devastation would end. He acknowledged this lamentable truth; but he contended, that in adopting the principle of submission, it was still more difficult to ascertain the limits of their sacrifices, than to foretell the whole extent even of the devastations of war. Every single act done upon that principle was an act of degradation and shame, which would not only cripple after-exertion, but which would infallibly destroy that self-respect which could alone render any exertion useful and important. He had heard with astonishment—not, indeed, from the hon. member for Dorsetshire, for he was at issue upon the fact, and professed that, if he were convinced that the non-adoption of measures of a warlike nature would reflect a stain upon the national honour, he would not advocate such a course—but he had heard with astonishment from the hon. member for Aberdeen, and the hon. member for Preston, a doctrine which would enforce the expediency of yielding to a stigma upon the national name—a doctrine which would urge a violation of the faith of treaties. We were told that we should disregard one treaty because it was of an old date, and it was long since we had enjoyed the benefit of it. We were to hold ourselves released from another, because it was impolitic, and because the time might come when we should regret having entered into it. What! was England to submit to a breach of faith, on the calculation that our national finances might be infringed upon by the course of conduct which justice and magnanimity would dictate? He had seen enough of the consequences of war to shrink from its approach, when it was possible to do so with credit and with safety; but he entreated his hon. friends, and the House, and the country, not to lose sight of the fatal effects which must flow from any surrender of the dignity of the British nation. The question was not now whether, even in order to retain our possessions, we should be content to forfeit our station in the eyes of Europe and of the world, and by so doing avoid war. He would say, "No," even if that were the alternative which was presented to our choice. But the question now actually was, whether for a limited season we should submit to an insecure, a precarious, a dishonourable, an unbearable truce—he could not call it a peace, for it had nothing of the honour, or the comfort, or the security, which rendered peace sweet—whether we should, for the sake of a temporary, disgraceful, disgusting, and intolerable, postponement of hostilities, expose ourselves hereafter, when war shall inevitably come on, to be held up to the eyes of the world as a beaten down and degraded nation, ruined in the eyes of mankind, and, what is a thousand times worse, ruined in our own eyes by the loss of self-esteem—and, what might perhaps be still worse, in the judgment of those to whose minds topics of this kind did not find easy access under any other form—namely, that a small sum, if expended in time, might have been the

means of saving a disbursement ten times the amount, with interest, aye, and of compound interest, at a future time; and when the risking the loss of a thousand men now, although the necessity of such an alternative was sufficient in itself to excite horror and regret, might avert the sacrifice of ten thousand lives hereafter, and might have the effect of preventing a war, when our resources should be crippled—a war of boundless extent, in which it should be observed, that other powers besides Spain might take part, and of which it might be truly said, that no man could foresee where it would end. I entirely agree (said Mr. Brougham) in all that has been said of the hazards and difficulties inseparable from war, and I was certainly one of those who held, some years ago, that looking to the burthens under which this country laboured, we were under severe recognizances to keep the peace. I know the severity of these burthens; but if I feel their weight, if I feel apprehensive, as who must not, of their effect, in case this most necessary measure—a measure which, upon all reasonable probabilities, must prove effectual—should, unhappily fail, I cannot but rely on those sound, enlightened, liberal, and truly English principles—principles worthy of our best times, and of our most distinguished statesmen, which now govern the councils of this country in her foreign policy, and inspire the eloquence of the right honourable Secretary with a degree of fervor, energy, and effect, extraordinary and unprecedented in this House — unprecedented (I can give it no higher praise) even in the eloquence of the right honourable gentleman. I feel that in these principles, now adopted and avowed by the organs of our government, we have a strong and impregnable bulwark, which will enable us not only to support our burthens, and, should the day of trial come upon us, to meet the combined world in arms, but which will afford the strongest practical security against future danger; and render it eminently improbable that we shall ever have that combined world to contend with, so long as those principles are maintained. Our burthens may remain, but our government know that when the voice of the people is in their favour, they have a lever, if not within their hands, within their grasp. I will imitate the discretion of the Secretary, and go no further. We know, because we have experienced the extent of that power; our enemies that would be, but who, on this account, will not be so, know it, because they see its effect here, and dread its effect among themselves. If, however, that catastrophe, which his majesty's ministers have taken the best means to avert, and which, in all human probability, will be averted, should unhappily fall upon us, whatever may be our burthens, whatever may be the difficulties with which we may have to contend, let but his majesty's government act steadily up to the principles they have avowed, and let the country but remain true to itself, and I have no fear of the rest.

Mr. *Bright* dissented from the proposition, that a *casus fœderis* had arisen, or that the present was an occasion on which the honour and character of the country required the adoption of the course pointed out by the right hon. Secretary. The hon. member read an extract from the treaty of 1703, and argued, that the only instance in which it warranted an interference by Great Britain was when not only acts of oppression had been committed, but when a hostile power was actually waging war with Portugal, in which case this country was bound to go to war with all its might. Neither of these contingencies he contended, was the state of the present case. The occupation of Portugal with five thousand men was merely a state of armed neutrality, instead of a compliance with the compact of the treaty; namely, that we should wage war with all our might. But the occasion for our fulfilment of this obligation had not arisen, for Portugal was not now reduced to the necessity of repelling an attack by a foreign power. Her assailants were exiles who had taken refuge in Spain. The country was divided; and, if England were to side with either party, she would only be taking part in a civil war. He felt himself called upon, at the eve of a momentous train of events, to declare his conviction, that no *casus fœderis* had arisen, and that no event was shown to have yet occurred in Portugal which called for the interposition of this country in the way proposed by ministers.

Mr. Secretary *Canning* said:—I rise, Sir, for the purpose of making a few observations, not so much in answer to any general arguments, as in reply to two or three particular objections which have been urged against the Address which I

have had the honour to propose to the House. In the first place, I frankly admit to my hon. friend, the member for Dorsetshire, that I have understated the case against Spain—I have done so designedly—I warned the House that I would do so—because I wished no further to impeach the conduct of Spain, than was necessary for establishing the *casus fœderis* on behalf of Portugal. To have gone further—to have made a full statement of the case against Spain—would have been to preclude the very object which I have in view; that of enabling Spain to preserve peace without dishonour.

The hon. gentleman who spoke last, indeed, in his extreme love for peace, proposes expedients which, as it appears to me, would render war inevitable. He would avoid interference at this moment, when Spain may be yet hesitating as to the course which she shall adopt; and the language which he would hold to Spain is, in effect, this—"You have not yet done enough to implicate British faith, and to provoke British honour. You have not done enough, in merely enabling Portuguese rebels to invade Portugal, and to carry destruction into her cities; you have not done enough in combining knots of traitors, whom—after the most solemn engagements to disarm and to disperse them—you carefully re-assembled, and equipped and sent back with Spanish arms, to be plunged into kindred Portuguese bosoms. I will not stir for all these things. Pledged though I am by the most solemn obligations of treaty to resent attack upon Portugal as injurious to England, I love too dearly the peace of Europe to be goaded into activity by such trifles as these.—No.—But give us a good declaration of war, and then I'll come and fight you with all my heart."—This is the hon. gentleman's contrivance for keeping peace. The more clumsy contrivance of his majesty's government is this:—"We have seen enough to show to the world that Spain authorised, if she did not instigate, the invasion of Portugal; and we say to Spain, 'Beware; we will avenge the cause of our ally, if you break out into declared war; but, in the mean time, we will take effectual care to frustrate your concealed hostilities.'" I appeal to my hon. friend, the member for Dorsetshire, whether he does not prefer this course of his majesty's government, the object of which is to nip growing hostilities in the ear, to that of the gallant and chivalrous member for Bristol, who would let aggressions ripen into full maturity, in order that they may then be mowed down with the scythe of a magnificent war.

My hon. friend, the member for Dorsetshire, will now see why it is that no papers have been laid before the House. The facts which call for our interference in behalf of Portugal are notorious as the noon-day sun. That interference is our whole present object. To prove more than is sufficient for that object, by papers laid upon the table of this House, would have been to preclude Spain from that *locus pœnitentiæ* which we are above all things desirous to preserve to her. It is difficult, perhaps, with the full knowledge which the government must in such cases possess, to judge what exact portion of that knowledge should be meted out for our present purpose, without hazarding an exposure which might carry us too far. I know not how far I have succeeded in this respect; but I can assure the House, that if the time should unfortunately arrive when a further exposition shall become necessary, it will be found, that it was not for want of evidence that my statement of this day has been defective.

An Amendment has been proposed, purporting a delay of a week, but, in effect, intended to produce a total abandonment of the object of the Address; and that amendment has been justified by a reference to the conduct of the government, and to the language used by me in this House, between three and four years ago. It is stated, and truly, that I did not then deny that cause for war had been given by France in the invasion of Spain, if we had then thought fit to enter into war on that account. But it seems to be forgotten that there is one main difference between that case and the present—which difference, however, is essential and all-sufficient. We were then free to go to war, if we pleased, on grounds of political expediency. But we were not then bound to interfere, on behalf of Spain, as we now are bound to interfere on behalf of Portugal, by the obligations of treaty. War might then have been our free choice, if we had deemed it politic: interference on behalf of Portugal is now our duty, unless we are prepared to abandon the principles of national faith and national honour. It is a singular confusion of

intellect which confounds two cases so precisely dissimilar. Far from objecting to the reference to 1823, I refer to that same occasion to show the consistency of the conduct of myself and my colleagues. We were then accused of truckling to France, from a pusillanimous dread of war. We pleaded guilty to the charge of wishing to avoid war. We described its inexpediency, its inconveniences, and its dangers (dangers, especially of the same sort with those which I have hinted at to-day); but we declared that, although we could not overlook those dangers, those inconveniences, and that inexpediency, in a case in which remote interest and doubtful policy were alone assigned as motives for war; we would cheerfully affront them all, in a case—if it should arrive—where national faith or national honour were concerned. Well, then—a case has now arisen, of which the essence is faith, of which the character is honour. And when we call upon parliament, not for offensive war—which was proposed to us in 1823—but for defensive armament, we are referred to our abstinence in 1823, as disqualifying us for exertion at the present moment; and are told, that because we did not attack France on that occasion, we must not defend Portugal on this. I, Sir, like the proposers of the amendment, place the two cases of 1823 and 1826 side by side, and deduce from them, when taken together, the exposition and justification of our general policy. I appeal from the warlike preparations of to-day, to the forbearance of 1823, in proof of the pacific character of our counsels;—I appeal from the imputed tameness of 1823 to the Message of to-night, in illustration of the nature of those motives, by which a government, generally pacific, may nevertheless be justly roused into action.

Having thus disposed of the objections to the Address, I come next to the suggestions of some who profess themselves friendly to the purpose of it, but who would carry that purpose into effect by means which I certainly cannot approve. It has been suggested, Sir, that we should at once ship off the Spanish refugees, now in this country, for Spain; and that we should, by the repeal of the Foreign Enlistment Act, let loose into the contest all the ardent and irregular spirits of this country. Sir, this is the very suggestion which I have anticipated with apprehension, in any war in which this country might be engaged, in the present unquiet state of the minds of men in Europe. These are the expedients, the tremendous character of which I ventured to adumbrate rather than to describe, in the speech with which I prefaced the present motion. Such expedients I disclaim. I dread and deprecate the employment of them. So far, indeed, as Spain herself is concerned, the employment of such means would be strictly, I might say, epigrammatically, just. The Foreign Enlistment Act was passed in the year 1819, if not at the direct request, for the especial benefit, of Spain. What right, then, would Spain have to complain if we should repeal it now, for the especial benefit of Portugal? The Spanish refugees have been harboured in this country, it is true; but on condition of abstaining from hostile expeditions against Spain; and more than once, when such expeditions have been planned, the British government has interfered to suppress them. How is this tenderness for Spain rewarded?—Spain not only harbours, and fosters, and sustains, but arms, equips and marshals the traitorous refugees of Portugal, and pours them by thousands into the bosom of Great Britain's nearest ally. So far, then, as Spain is concerned, the advice of those who would send forth against Spain such dreadful elements of strife and destruction is, as I have admitted, not unjust. But I repeat, again and again, that I disclaim all such expedients;—and that I dread especially a war with Spain, because it is the war of all others in which, by the example and practice of Spain herself, such expedients are most likely to be adopted. Let us avoid that war if we can,—that is if Spain will permit us to do so. But in any case, let us endeavour to strip any war—if war we must have—of that formidable and disastrous character which the hon. and learned gentleman has so eloquently described; and which I was happy to hear him concur with me in deprecating, as the most fatal evil by which the world could be afflicted.

Sir, there is another suggestion with which I cannot agree, although brought forward by two honourable members, who have, in the most handsome manner, stated their reasons for approving of the line of conduct now pursued by his majesty's government. Those honourable members insist, that the French army in

Spain has been, if not the cause, the encouragement, of the late attack by Spain against Portugal; that his majesty's government were highly culpable in allowing that army to enter into Spain, that its stay there is highly injurious to British interests and honour, and that we ought instantly to call upon France to withdraw it.

There are, Sir, so many considerations connected with these propositions, that were I to enter into them all, they would carry me far beyond what is either necessary or expedient to be stated on the present occasion. Enough, perhaps, it is for me to say, that I do not see how the withdrawing of the French troops from Spain could effect our present purpose. I believe, Sir, that the French army in Spain is now a protection to that very party which it was originally called in to put down. Were the French army suddenly removed at this precise moment, I verily believe that the immediate effect of that removal would be, to give full scope to the unbridled rage of a fanatical faction, before which in the whirlwind of intestine strife, the party least in numbers would be swept away.

So much for the immediate effect of the demand which it is proposed to us to make, if that demand were instantly successful. But when, with reference to the larger question of a military occupation of Spain by France, it is averred, that by that occupation the relative situation of Great Britain and France is altered; that France is thereby exalted and Great Britain lowered, in the eyes of Europe;—I must beg leave to say, that I dissent from that averment. The House knows—the country knows—that when the French army was on the point of entering Spain, his majesty's government did all in their power to prevent it; that we resisted it by all means, short of war. I have just now stated some of the reasons why we did not think the entry of that army into Spain a sufficient ground for war; but there was, in addition to those which I have stated, this peculiar reason,—that whatever effect a war, commenced upon the mere ground of the entry of a French army into Spain, might have, it probably would not have had the effect of getting that army out of Spain. In a war against France at that time, as at any other, you might perhaps, have acquired military glory; you might, perhaps, have extended your colonial possessions; you might even have achieved, at great cost of blood and treasure, an honourable peace; but as to getting the French out of Spain, that would have been the one object which you almost certainly would not have accomplished. How seldom, in the whole history of the wars of Europe, has any war between two great powers ended, in the obtaining of the exact, the identical, object for which the war was begun!

Besides, Sir, I confess I think, that the effects of the French occupation of Spain have been infinitely exaggerated.

I do not blame those exaggerations; because I am aware that they are to be attributed to the recollections of some of the best times of our history; that they are the echoes of sentiments, which, in the days of William and of Anne, animated the debates and dictated the votes of the British parliament. No peace was in those days thought safe for this country while the crown of Spain continued on the head of a Bourbon. But were not the apprehensions of those days greatly overstated? Has the power of Spain swallowed up the power of maritime England? Or does England still remain, after the lapse of more than a century, during which the crown of Spain has been worn by a Bourbon,—niched in a nook of that same Spain, Gibraltar; an occupation which was contemporaneous with the apprehensions that I have described, and which has happily survived them?

Again, Sir,—is the Spain of the present day the Spain of which the statesmen of the times of William and Anne were so much afraid? Is it indeed the nation whose puissance was expected to shake England from her sphere? No, Sir, it was quite another Spain—it was the Spain, within the limits of whose empire the sun never set—it was Spain "with the Indies" that excited the jealousies and alarmed the imaginations of our ancestors.

But then, Sir, the balance of power! —The entry of the French army into Spain disturbed that balance, and we ought to have gone to war to restore it! I have already said, that when the French army entered Spain, we might, if we chose, have resisted or resented that measure by war. But were there no other means than war for restoring the balance of power?—Is the balance of power a fixed and unalterable standard? Or is it not a standard perpetually varying, as civilization advances, and as new nations spring up, and

take their place among established political communities? The balance of power a century and a half ago was to be adjusted between France and Spain, the Netherlands, Austria, and England. Some years afterwards, Russia assumed her high station in European politics. Some years after that again, Prussia became not only a substantive, but a preponderating monarchy. Thus, while the balance of power continued in principle the same, the means of adjusting it became more varied and enlarged. They became enlarged, in proportion to the increased number of considerable states,—in proportion, I may say, to the number of weights which might be shifted into the one or the other scale. To look to the policy of Europe, in the times of William and Anne, for the purpose of regulating the balance of power in Europe at the present day, is to disregard the progress of events, and to confuse dates and facts which throw a reciprocal light upon each other.

It would be disingenuous, indeed, not to admit that the entry of the French army into Spain, was in a certain sense, a disparagement—an affront to the pride—a blow to the feelings of England: and it can hardly be supposed that the government did not sympathize, on that occasion, with the feelings of the people. But I deny that, questionable or censurable as the act might be, it was one which necessarily called for our direct and hostile opposition. Was nothing then to be done? Was there no other mode of resistance, than by a direct attack upon France—or by a war to be undertaken on the soil of Spain? What, if the possession of Spain might be rendered harmless in rival hands—harmless as regarded us—and valueless to the possessors? Might not compensation for disparagement be obtained, and the policy of our ancestors vindicated, by means better adapted to the present time? If France occupied Spain, was it necessary, in order to avoid the consequences of that occupation—that we should blockade Cadiz? No. I looked another way—I sought materials of compensation in another hemisphere. Contemplating Spain, such as our ancestors had known her, I resolved that if France had Spain, it should not be Spain "with the Indies." I called the New World into existence, to redress the balance of the Old.

It is thus, Sir, that I answer the accusation brought against his majesty's government, of having allowed the French army to usurp and to retain the occupation of Spain. That occupation, I am quite confident, is an unpaid, and unredeemed burthen to France. It is a burthen of which, I verily believe, France would be glad to rid herself. But they know little of the feelings of the French government, and of the spirit of the French nation, who do not know, that, worthless or burthensome as that occupation may be, the way to rivet her in it, would be, by angry or intemperate representations, to make the continuance of that occupation a point of honour.

I believe, Sir, there is no other subject upon which I need enter into defence or explanation. The support which the Address has received from all parties in the House, has been such as would make it both unseemly and ungrateful in me to trespass unnecessarily upon their patience. In conclusion, Sir, I shall only once more declare, that the object of the Address, which I propose to you, is not war:—its object is, to take the last chance of peace. If you do not go forth, on this occasion to the aid of Portugal, Portugal will be trampled down, to your irretrievable disgrace:—and then will come war in the train of national degradation. If, under circumstances like these, you wait till Spain has matured her secret machinations into open hostility, you will in a little while have the sort of war required by the pacificators;—and who shall say where that war will end?

The amendment was negatived, there appearing only three or four members in favour of it. The original Address was then put and agreed to.

HOUSE OF COMMONS.

Wednesday, December 13.

CORN-LAWS—ADJOURNMENT OF THE HOUSE.] Mr. Secretary *Peel* said, that, in pursuance of the notice of adjournment, which was given last night by his right hon. friend (Mr. Canning), who was prevented from attending this day, owing to the fatigue which had sprung from his great exertions when last in his place, he rose to move that the House at its rising do adjourn to the 8th of February next. He could not refrain from availing himself of the present opportunity, to express his entire conviction, that the

House and the country had wisely and consistently determined upon taking that course in behalf of Portugal, under existing circumstances, which, while it afforded a just protection to our ally, at the same time held out the surest promise of preventing the real calamities of war. Independently of the real exertion which was on this occasion demonstrated, he did hope that the moral effect of the proceeding would be, to avert hostilities, by diffusing the general assurance, that the policy avowed by England was adopted and confirmed by the unanimous voice of parliament and the people. He heartily joined with those who deprecated war. He fully concurred in their sense of its calamities, how likely it always was to impede the march of civilization, and to check the current of national industry. At the same time he must repeat his perfect conviction, that the surest method of preserving peace was to maintain the national honour and good faith unimpeached and inviolate. He should have simply moved this adjournment without observation, had he not been informed, that some objection was to be taken to what was called the unusual length of the proposed recess. Now every adjournment must necessarily depend upon the particular circumstances of each period when it took place; and there was nothing in the present, different from the practice observed on similar occasions, when parliament had an earlier winter sitting. At their next meeting it was intended to lose no time in bringing forward the most important public business of the nation. Indeed, so fixed was this determination on the part of his majesty's government, that his right hon. friend had empowered him to give notice, that on the Monday following the 8th of February, he intended to submit to the House, a motion which would specifically introduce the great question of the Corn-laws.

Mr. *John Williams* concurred with the right hon. gentleman, that the House and the government had come to a sound decision as to the course to be pursued respecting Portugal. He, however, certainly thought the period of the adjournment too long. The situation of the country must at all times determine the circumstances of the case, and it was his misfortune to differ from almost all the members of the House, as to the conduct they had pursued that session. When it was borne in mind, that nothing whatever had been done since the House had met, even with respect to that vital question of the Corn-laws—a question of which it was not too much to say, that its present condition suspended all contracts between landlord and tenant—when it was remembered, that the only thing done was to pass an Indemnity bill which was done with as little ceremony as an ordinary road bill—when petitions were presented from the inhabitants of once-flourishing parts of the empire praying to be removed from a country in which they see nothing but despair—when another most serious and appalling question had been omitted, he meant Ireland; after the hints, not obscurely given, that when England should have sufficient occupation for the troops now stationed there, the Catholics of Ireland would seek to regain those rights for which they have petitioned in vain—when he found that unless that question was met—promptly met—Ireland must be lost—and yet not one word had been said on the subject that looked like relief—when he saw all those things, he could not but think, that a much earlier period of meeting would be more congenial with the situation in which the country was placed.

NEWSPAPERS AND PAMPHLETS—STAMP DUTIES ON.] Mr. *Hume* said, that had there been a sufficient attendance, it was his intention to have called the attention of the House to some subjects of considerable importance connected with the revenue; such as the duty on newspapers, advertisements, pamphlets, insurances, &c. He considered the duty on newspapers, not only a great public injury, but a loss to the revenue. He was confident, that he should be able at a proper season to show, that great and most desirable advantages would arise from a reduction of those duties. He was satisfied that if government would take off two-pence-halfpenny from the duty, the revenue would be benefitted by the increase, which would be thus occasioned in the circulation of newspapers. He was warranted in anticipating this effect by a reference to the duties levied on newspapers in other countries. In the United States of America, where there was no duty, or but a very small one, there were no less than five hundred and ninety-eight newspapers in constant circulation; while, according to the last returns, made in 1821, the whole number of newspapers in circulation

in England, Ireland, and Scotland, did not amount to more than two hundred and eighty-four. He trusted that these facts would be sufficient to show the expediency of adopting some modification of those duties. In 1797, and again in 1815, when a new rate was levied, the effects were found to be such as warranted the ground he was now taking. By the returns made for the periods antecedent and subsequent to those years, the expectations of a consequent improvement of the revenue were far from being realised. Indeed, in proportion to the relative state of the country at the different periods to which he had alluded, this branch of the national finances would be found to have retrograded. However, these were matters into which he should be prepared to go more fully at a proper season. He would, at present, move for a return of the amount of duty received for Stamps on Newspapers, in each year, for the last thirty years.

Mr. *Brougham* seconded the motion, and hoped that his hon. friend would persevere in his praise-worthy exertions. The hon. member had with great constancy and assiduity devoted his time and energies to many subjects of importance and utility, but amongst all the measures on which he had exercised his zeal and his abilities, hardly any was, in his opinion, of greater interest, in all its bearings, and of more general advantage, than the present. The measure to which his hon. friend had called the attention of the House was one of importance, whether it was considered in reference to the advantageous effects which it was calculated to produce upon the revenue, or with relation to the still more enlarged benefit, of which it would be the source, by the diffusion of information amongst the people. He did not, however, mean, by what he now said, to commit himself as to the course which he should feel it his duty to adopt, when such an inquiry should be entered into. The subject was one which demanded much deliberate examination. From the impression which was at present predominant in his mind, he should feel disposed to draw a distinction between the daily and weekly newspapers. The revenue might afford to make an experiment in the one case, which it might not be able to do in the instance of the daily publications. The weekly newspapers might, he conceived, be rendered most valuable channels for the dissemination of science and intelligence throughout society. When it was considered how much was to be found in weekly papers besides mere ordinary news, and when it was considered how much the quantity of such matter would be augmented, if the duty were taken off, the importance of these publications, for the purposes which he had pointed out, might be estimated. Amongst those who had turned their consideration to this subject, it was a prevailing opinion, that if in a weekly publication matters of news were made to form a secondary and subordinate part, and if the principle portion of the publication were devoted to science, the arts, and to objects connected with general useful knowledge, such a paper would be found the most useful and effectual organ of disseminating information among those classes to whom it was not at present accessible. The consideration of this subject led him to one, in some measure connected with it; but in the absence of the Attorney and Solicitor general, and considering the thin state of the House, and the advanced state of the session, he scarcely felt himself justified in alluding to the subject. He meant the law of libel at present. Some sessions ago he had brought forward a motion which had for its object the amendment of that law, and after some discussions on the subject he was allowed to bring in a bill, which was read a first time; but, in consequence of the late period of the session, and owing to the great opposition which the measure met with in certain quarters, it was dropped for that session, and he had never revived it, in consequence of the known hostility with which the measure was regarded by those whose opposition was sure to lead to its defeat. The object of that measure was to counteract the effects resulting from the law of libel, as that law was at present administered. And, if instances were wanting to prove the necessity of altering the law by a legislative enactment, the cases which had lately occurred in Westminster-hall would furnish unanswerable arguments in favour of the interference of that House to effect the desired object. When he introduced the motion to parliament to which he alluded, he then stated what he since had occasion, in several instances, to observe and comment on— that it was one of the greatest instances of injustice and oppression that men were subject to a prosecution by indictment for merely publishing that which was well

known to be true. A prosecution by indictment bore doubly hard on the defendant, because it deprived him of the advantage of pleading the truth of the libel in justification thereof. In an action at common-law the truth of an alleged libel could be pleaded in justification of the libel itself; but in case of an indictment, the individual was deprived of the power of proving the truth of that for which he was indicted, and punishment followed his conviction, as if every word of the libel with which he was charged were as absolutely and substantially false as it could have been proved to be directly the reverse. Persons unacquainted with the law of libel as it was administered at present, could hardly bring themselves to believe, that if a man were to publish of another that he was convicted of felony, he was liable to be tried by indictment, and the jury must find him guilty, although he had in his pocket, at the trial, the copy of the record of the conviction, as he (Mr. Brougham) absolutely had in a late case, in which he was professionally engaged, and, in which his client was found guilty, notwithstanding that the document by which his justification could have been clearly made out was ready to be produced: but could not be used in evidence, according to the rules of law. As far, therefore, as the conviction went, the document was of no use to his client; and even some doubts were entertained, whether it should have any weight with regard to the punishment, which by the sentence of guilty, was awarded. There were doubts, legal and learned doubts, as to whether the punishment for the crime of which his client was found guilty, should be abated or not, notwithstanding that the justification which he was prepared to make, but could not make at the trial, was urged in mitigation of the alleged offence. The subject was of such deep importance that he could not resist the opportunity of broaching it once more, in the hope that it would be taken up by one whose exertions to purify and make simple some of the existing laws had done him infinite credit. If the consideration of the law of libel should come within the inquiry of that individual, he would find, by referring to the bill which he had, on a former occasion obtained leave to bring in, that the most accurate and useful information was embodied in the provisions of that bill, the leading principle of which was, to allow defendants in all cases, whether civil or criminal, to give notice to the opposite side, of the line of defence meant to be adopted, and to give in evidence the truth, not that it might be pleaded in all cases as a justification, but that in all cases it might weigh with the jury, in order to show the motives by which defendants were actuated [hear, hear.]

Mr. Secretary *Peel* said, that the subject which the hon. and learned gentleman had thought proper to introduce without any notice, was too important to be considered now. He should therefore decline to give any specific answer to the hon. and learned gentleman at present. If, however, upon a due consideration of the subject, it should be found to be one deserving of that inquiry which was so strongly urged, he should be willing to attend to the suggestions thrown out by the hon. and learned gentleman.

The motion was agreed to. After which the House adjourned to the 8th day of February.

HOUSE OF LORDS.

Thursday, February 8, 1827.

CORN LAWS.] The Earl of *Liverpool* gave notice, that he would, if nothing in the interim should happen to make it necessary to put off the motion to a further day, on Monday se'nnight, bring under the consideration of their lordships the subject of the Corn-laws.

The Earl of *Lauderdale* wished to know the nature of the proposition intended to be brought forward, and he would tell the noble earl his reason for so wishing. When the people of this country were about to express their opinion on the subject of any alteration in the Corn-laws, it was recommended to them, by the friends of ministers, to refrain from any expression of disapprobation until such time as the proposition which ministers intended to submit to parliament should be made known. Now, he thought that, after the propositions were made, not only the two Houses, but the public ought to have time to examine, and express their opinion upon them. If they had not time for this, they would be entrapped into a measure which, he would say, was one of the most important, both politically and economically, ever agitated.

The Earl of *Liverpool* said, he felt the importance of the subject as much as the noble earl did, and should never think of

calling upon parliament for any opinion upon it on the day on which he should bring forward his proposition.

The Earl of *Lauderdale* said, he wished that the country should have sufficient time to express its opinion. The noble lord must see that what he had stated did not meet his objection, because he had prefaced his observations by saying, that the adherents of ministers had recommended that no expression of public feeling should take place, and told the people to wait until ministers should bring forward their proposition, and then there would be time enough to give their opinion. This proceeding put him in mind of an anecdote told by his father-in-law. As he was stepping into his carriage, his coachman came up to him, and said, "As I know, Sir, that you like to be consulted, I think it right to inform you that I was married yesterday." Now, the two Houses of parliament were to give their decision on the noble lord's proposition first, and the country was to be consulted on the subject afterwards. What he wished distinctly to know was, whether the noble earl intended to allow sufficient time for the public at large to express an opinion.

The Earl of *Liverpool* really did not know what the noble lord's calculation of sufficient time might be. All he could say was, that after he had submitted his proposition to their lordships, he should allow a reasonable time to intervene before he called upon them for their decision upon it.

CATHOLIC EMANCIPATION.] Viscount *Clifden*, in rising to present the first one of a great many petitions which he had to present from the Catholics of Ireland, felt himself bound to address a few observations to their lordships. He begged in particular to call their lordships' attention to the great alteration which had taken place in the circumstances of the Catholics within these two years. Since the question was formerly before their lordships, they had roused themselves, and become sensible of their strength. In one week, the Catholics of Waterford had defeated and disgraced the most opulent Protestant family in all Ireland. There were two other families more opulent; but they did not reside in Ireland, and were rather English than Irish. The members of this family were gentlemen of unblemished character, but distinguished by their bitter hostility to the just claims of their Catholic fellow subjects, and for that hostility alone they were defeated in one week on their own ground. In Louth, the Catholics had defeated the oldest politician in Ireland. In the counties of Dublin and Westmeath, they had also been victorious; and in Armagh, which was the very cradle of Orangeism, they had completely triumphed. Mr. Brownlow—who had seen his error, and after voting against the Catholics, now voted for them—was opposed by the whole force of the Orange party—was carried triumphantly through by the Catholic freeholders. It was the fashion to abuse the Catholic priests for their interference; but were not the clergy of the Established Church as bad? He was sorry the bishops' bench was so empty, or he would say more on this subject. Did not our parsons brawl without mercy? The Catholic priests lived with their flock; they attended to their wants, administered to them in sickness, and consoled them on their death bed. The noble Viscount then read an election address, calling on the Catholics not to vote for any man who supported the Test; as by that means they virtually voted against themselves, and admitted that their own religion was idolatrous. Two years ago his majesty had been advised to recommend parliament to put down the Catholic association, and a law had been made for that purpose. But, had they succeeded? He would answer, No. The thing was impossible. The Association were the representatives of opinions, and it was impossible to put down opinions. If the Irish amounted to five millions, they constituted one fourth of our whole population: if they amounted to seven millions, they were one third; and it was impossible to change or subdue, the opinions of so large a body of men. The Irish House of Commons, in 1793, when ministers were frightened out of their senses, which some of them seemed not yet to have recovered, resolved to put an end to the penal code; they resolved, also, to put an end to the Catholics. They then passed the famous Convocation act, which only allowed the two Houses to meet by a special clause. But, had this put down the Catholics? No. They had gone on increasing—had acquired power and talents—and were now conscious of their strength. As to the complaints against the Catholic priests, he could not

see why they should not interfere at elections, when our own clergy disgraced themselves by raising the cry of "No Popery." That cry had, however, lost its power. The people of this country had more vital interests to attend to. They were groaning, in the twelfth year of peace, under a debt of 800,000,000*l*., and an expenditure of 50,000,000*l*. He trusted to God that the Catholic question would come up again this session from the Commons. If their lordships persisted in withholding their concurrence, they would render themselves the laughing-stock of the country. Even the Holy Alliance had not ventured to embark upon religious questions. There were in Europe one hundred millions of people, free from such exclusive laws. It should be recollected, too, that a communication with Ireland by the means of steam was now easy; and that France looked with delight upon the spirit of disunion that prevailed in that country. Three hundred and eighty men from Bedlam could not behave worse than their lordships would do, if they persisted in refusing the Catholic claims. He would ask, if it was likely there ever would be an end to the discussion of the question, but by granting the Catholics their rights. He was far on his journey to the other world; but woe to those who came after him, if this question should be left undecided.

Ordered to lie on the table.

HOUSE OF COMMONS.

Thursday, February 8.

CATHOLIC EMANCIPATION — GENERAL PETITION OF THE CATHOLICS OF IRELAND.] Sir *F. Burdett* then rose to present the general petition of the Catholics of Ireland. This duty, he said, he was anxious to lose not a moment in performing, but he would not avail himself of that opportunity to make any preliminary remarks with reference to the general question. He would content himself, therefore, with shortly expressing his regret at the absence of the right hon. Secretary for Foreign Affairs. Had that right hon. gentleman been present, he should have been happy to have consulted with him as to the future steps to be taken, in furtherance of the important measure prayed for by the petitioners. He was sorry, he repeated, for the right hon. gentleman's absence, both on account of its cause, and for his own sake, as he was desirous, for his guidance in this great question, to have had some communication with that right hon. gentleman. It had become a matter of such pressing necessity—of such hourly growing importance—that no consideration should induce him to delay bringing it before the House at the earliest period that public convenience would permit. In saying this, however, he felt that he could not then undertake to name any precise day; though he would state, that the impression on his mind, as well as on the minds of the petitioners was, that no further delay should take place than was absolutely necessary.

The Petition was then brought up and read; setting forth,

"That the following is the case of the Petitioners: they are deprived of all participation whatsoever in the framing or amending of the laws by which their properties are regulated, and on which the security of their lives and characters depend; they are deprived of almost all share in the administration of the laws by which their properties are regulated, and on which the security of their lives and characters depend: they are totally deprived of all participation in the highest and most important functions in the administration of those laws: they are excluded from the office of sheriff, an office the importance of which in rendering the administration of justice impartial or unjust, pure or corrupt, the cause of blessings or the source of misery, cannot be exaggerated, and can scarcely be adequately described; they are totally excluded from all municipal offices in all the corporate towns and cities in Ireland; they are stigmatized by being excluded from the councils of their sovereign; and they are degraded in their native land, not only by the practical exclusion from many, and in truth nearly all, other offices, but much more so by the haughty and insolent superiority which is naturally excited in the minds of the unjustly-favoured few over the equally unjustly-excluded many: that the alarm created in the minds of the self-interested portion of the ascendancy in that country, lest their unjust monopoly should be destroyed by the humanity and wisdom of the legislature, has a natural tendency to produce, and is daily producing, an envenomed spirit of hostility, towards the Petitioners, threatening them even from the lips of those who ought to preach charity and

good-will amongst men, with the lawless plunder of the Petitioners' property, and the sanguinary destruction of their lives; such is the case of the Petitioners, and from the situation to which they are thus reduced, they appeal for relief to the wisdom and the justice of the House; this the afflicting state of the Petitioners is an unmixed evil to the British Empire; the individual advantages which a few of the Protestants derive from it are perfectly undeserving of regard, when contrasted with the dangers which must necessarily menace the lives and properties of every class of his majesty's subjects, from the results of the present system of injustice, and with the insecurity to the Throne, and the instability of the Constitution, created by the long-stored and just discontent of the Irish nation: for, may it please the House to understand, that the Petitioners are discontented, deeply, universally discontented at being excluded and degraded in their native land, without there being any just or natural cause whatsoever for such degradation or exclusion, and without there being a plausible pretext, however slight, for continuing the present system: the Petitioners respectfully submit that they would be undeserving the attention of the high-minded and the good, if they were capable of suffering injustice without feeling discontent and indignation; and the Petitioners respectfully beg leave to state, that they would endure with uncomplaining submission, the evils attendant on their degradation in their native land, if they had merited that degradation by any crime, or if it were palliated by any natural or moral inferiority on their part: but the fact is otherwise; no crime can be imputed to the Petitioners, save the conscientious adherence to the pure and holy faith of their ancestors, and of the ancestors of the House; that faith which confessedly was the religion of all England for more than eight hundred years; a religion introduced to our Saxon ancestors by a Catholic monk, whose name stands high in our Calendar, Saint Austin, a religion which was so introduced by the command and under the directions of a pope, a man whose name has won universal esteem from all English scholars and divines, Saint Gregory the Great; a religion which was firmly believed and faithfully practised by the patriots and statesmen, who founded and framed the British constitution; a religion which was believed and practised by the heroes who first spread the renown of English valour throughout the universe; a religion which the Petitioners firmly believe to have been instituted by the Divine Redeemer of all mankind, and transmitted in unbroken succession to the present day, forbidding vice, crime, and immorality of every description, teaching all social and moral duties, inculcating all practical virtues, and sanctioning and commanding all domestic and private charities; the Petitioners respectfully, and in the spirit of perfect charity, state their conscientious conviction that this the religion of the ancestors of the House, and of the Petitioners, is the best form of Christian faith; but the Petitioners do not rest any part whatsoever of their claim to relief on such, to them, undoubted superiority; the Petitioners claim for relief is founded solely and exclusively on the principle of freedom of conscience, not as applicable to their particular case or creed, but as belonging of right equally to every sect and persuasion of Christians: the Petitioners respectfully call on the House to recognize that sacred principle, to leave conscience free and unfettered, to allow to man the right of worshipping God as to him may seem best, and not to interfere between conscientious man and his Creator; the principle of such interference cannot be admitted by any human institution, tribunal, or legislature, without affording a justification of the horrors of every religious inquisition, and of all the cruelties of the Pagan emperors to the primitive Christians: the Petitioners, therefore, most respectfully and humbly implore the House to establish at length that sacred principle, to do to others what they would wish to be done to themselves, and to grant to the Catholics of Ireland the opportunity of adhering to the faith of their fathers without suffering in consequence thereof, any pains, penalties, exclusion, or deprivation, whatsoever: the Petitioners further respectively show that, by acceding to the prayer of this their humble Petition, and granting them what they ask, namely, an equalization of civil rights with their Protestant fellow-subjects, the House will make an holy alliance with the inhabitants of that fertile but hitherto wretched island; the House will combine all classes of his majesty's subjects in the indissoluble bonds of mutual affection and mutual interest; the House will increase the strength of the govern-

ment, they will add to the security of the throne, and give permanent stability to the British constitution. May it, therefore, please the House, in its justice, wisdom, and generosity, to grant to the Petitioners the restoration of their long withheld rights, by giving them an equalization of civil rights with their Protestant fellow-subjects, unfettered by any conditions, qualifications, or restrictions, whatsoever."

Ordered to lie on the table and to be printed.

HOUSE OF COMMONS.

Friday, February 9.

CATHOLIC EMANCIPATION.] The Hon. *William Hare* rose to present a petition from the Roman Catholics of Listowell, in the county of Kerry, praying for a removal of those civil disabilities under which persons of their religious persuasion laboured. The hon. gentleman said, he had himself witnessed the many evils which resulted from the system of exclusion which was acted on towards his Roman Catholic fellow-subjects. All the disunion, ill-feeling, and animosity, public and private, which prevailed in Ireland, might be traced to that source, nor could he conceive how permanent tranquillity could be secured in that country, so long as such a penal code was suffered to exist. It was a matter of infinite moment to conciliate the feelings of the people of Ireland, and by that means to restore peace, order, and unanimity; and he was convinced, that nothing could effect that most desirable object but complete and unqualified emancipation. Such a measure might be said to carry its own security along with it, since it was calculated to excite the warm gratitude, and to draw forth the friendly and affectionate feelings, of the millions for whose benefit it was intended. He was as ardently attached to the constitution as any man could be. He gloried in it as the proudest boast of the country; and if granting a participation in all its immunities to his Roman Catholic fellow-subjects was likely, in the slightest degree, to impair the constitution, he would oppose any further concession. But he denied the assertion. Such a measure would strengthen, instead of weakening it; and he could not see how it was incompatible with its safety, to admit those who bore their full share of the taxes and burthens of the state to a full participation in all civil rights and privileges.

Ordered to lie on the table.

CORN LAWS — PETITION OF THE STARVING WEAVERS OF BLACKBURN.] Mr. *Hume* said, he rose to present a petition, which was certainly couched in very strong language; but the letter by which it was accompanied expressed a hope, that the House would not cavil at strong language, when it came from men who were in a starving condition. The petitioners described themselves as "The Starving Weavers of Blackburn and its neighbourhood;" and the petition set forth;

"That the starving petitioners, with the rectitude of injured men, presume to approach the House in order to lay before the House a statement of their complaints and wishes, to the end that the House may grant them that relief which their unmerited sufferings require: the petitioners, for many years, have suffered more than language can express, but within the last two years they have not had half food, of the worst kind, for their support, consequently hundreds of weavers, their wives and children, have died from absolute want of food: the petitioners, being able-bodied men, cannot earn more than 5*s*. per week each, and, with two workers in each family, averaging six souls, 10*s*. weekly is the whole for food, clothing, fuel and rent; and this scanty pittance the petitioners are necessitated to live upon: that the petitioners, with all due deference to the House, would respectfully ask, is the sum above stated sufficient for the moderate wants of a man? If it is not, then are they perishing for want of food. The petitioners humbly conceive, that they cannot bear affection to the House while that House manifests no disposition to relieve them: the petitioners are human beings, and worship the same God, wherefore then should they be so oppressed in their native land? Why should they, who labour sixteen hours per day, not obtain for that labour food and clothing for comfortable existence; there is a point when endurance becomes a crime, and to that point the petitioners have arrived: the petitioners cannot do much longer; they are dying daily for want of food, and to be silent under such circumstances would be highly criminal: that the petitioners have calmly and considerately examined into the causes which have produced such

calamities to the working classes of this county, and are convinced that all have originated from the people not being represented in the House; that the national debt, the enormous church revenues, all the unmerited placemen, pensioners, sinecures, a standing army to murder the people if they complain, all the bloody wars that the nation has been plunged into, are all owing to a want of a reform in the House; the Corn Bill, that monstrous monopoly of the landed interest, and which bill was passed while the House was surrounded with soldiers, all may be traced to the people not being represented in the House: believing, therefore, that a reformed parliament, chosen by ballot, and by the whole of the population, would grant unto the people relief, the petitioners, as the forlorn hope, humbly hope, that the House will begin the god-like work by repealing the Corn Bill."

Ordered to lie on the table and to be printed.

HOUSE OF LORDS.

Monday, February 12.

Death of the Duke of York—Address of Condolence to his Majesty.] The Earl of *Liverpool* rose to move an Address of Condolence to his Majesty on the Death of his royal highness the Duke of York. He was sensible that the general feeling of regret was so much in accordance with his own, that it might be thought even intrusive in him to say any thing in proposing the motion which he intended to submit to the House. But he confessed that he felt it as a melancholy duty—a duty imposed upon him by recollections both pleasing and painful—that in proposing the address which he should submit to the House, he should make a few observations, in which he meant humbly to bear testimony to the merits of that illustrious individual now no more, who had been the first subject of this realm, and who stood in the situation of heir presumptive to the British Throne. They had likewise many and strong inducements to approach the throne on this occasion with their sentiments, and to state to his majesty their feelings of regret. No man, at all acquainted with his majesty, could doubt the feelings of affection which he entertained to every part of his family. But with respect to his late royal highness the Duke of York, there was this particular distinction, that he was brought up and educated together with his majesty. It might, perhaps, have been said, that differences of opinion sometimes existed between them, but in a country, constituted as this was, how could differences of opinion be avoided? There had always, however, existed between them the strongest brotherly affection. With respect to their lordships and the public, they had however to contemplate the illustrious deceased, not only in the relation which he bore to the royal family, but in the relation in which he stood, as having for a period of more than thirty years filled the high and important situation of commander-in-chief. He certainly, for one, remembered the appointment of his royal highness. He was so circumstanced as to know something of the army at that time; he was enabled to watch the progress of all the acts of that illustrious individual; and it was impossible for any person who had so observed him to withhold from him the highest praise. With respect to the command of the army, it had been made a question with some whether a person so near the throne ought to hold such an office; that was to say, whether such an arrangement was for the public interest. He was of opinion, that if this question was looked at as an abstract proposition, it would be impossible to come to any general conclusion upon it. But, leaving that question undecided, he had no hesitation in admitting, that inefficiency on the appointment to office of princes of the blood, would be far worse than any inefficiency which might occur in the hands of other persons. But he could himself say from experience, and all who knew any thing of the British army, and he believed the greater part of the public, would also say, that the interests of the army had derived most essential benefit from the administration of the illustrious individual, who, he was sure their lordships would concur with him in saying, had, in his situation, done much good, had done all the good in his power, and had in many instances done much good, which none but himself could have done. If their lordships would look at the state of the army at any period before the late illustrious person was appointed commander-in-chief,—if they wished to compare its efficiency, they must look at what the army was before and after the royal duke was appointed to that high situation.

It was above all to be recollected, that it was that army which had been gradually formed under his administration which turned the fate of a war, in the result of which the best interests of this country and of all Europe were involved—which turned the fate of the great war in the Peninsula, and enabled his noble friend near him (the duke of Wellington) to prosecute that war to a successful termination, to penetrate into the interior of France, and to bring the contest to a final conclusion by the victory at Waterloo. If their lordships, after recollecting the efficiency of the army, looked to the comforts of the soldier, he was confident that every man who heard him would concur with him in the conviction, that in the administration of any service, never was more attention paid to the comforts of those individuals whose lives were devoted to the service of the country, than had been paid by the late illustrious commander-in-chief. In the next place, if their lordships looked at the patronage of the army, and to the distribution of that patronage, it would be allowed to be a difficult matter to avoid giving offence, where there were so many claimants, and so few but what would be disappointed; yet he must say, that he never heard less complaint of grievances, injustice, and unfair partiality, than during the administration of his royal highness; and in every part of the exercise of that power—a great power he admitted it to be—which he had had to exercise for more than thirty years, he could fairly say, that no power was ever more moderately, more justly, or more beneficially executed for the interests of the country. He might appeal to most of their lordships, to all those individuals who ever had occasion to come in contact with his royal highness on matters of business connected with his official situation, if ever they found any public man more easy of access, more fair and upright in his dealings, more affable, more simple, he might say, in his manners. Having said thus much with respect to the character of the illustrious individual whose loss they had to regret, he should feel it unbecoming in him to trespass on their lordships by more particular details. It was, however, impossible for him to refrain from observing, that his late royal highness possessed all the peculiar characteristics of an English gentleman. Whatever failings he might have, there appeared in all his actions an openness, a sincerity, and a kindness so striking, that it was impossible for any persons to have lived near him, or to have had any intercourse with him, and to have failed to have their minds impressed with the possession of those qualities by the illustrious Duke. It had been said of him—truly said of him—that "he never broke a promise, and never deserted a friend." He must still further say, what he felt to be of importance, because it added strongly to the value of the illustrious Duke's character in his mind, that though he was in a public situation which brought him in contact with a great variety of persons, yet to all who came to him he was easy of access, and though in the discharge of his official duties he was more exposed to intercourse than had usually fallen to the lot of persons of his rank, yet he never lost sight of what was becoming on his part, and never acted so as to make any one forget what was due to his character and station. All who approached his royal highness felt what was due to his illustrious character. Under these circumstances, he proposed to their lordships to move,

"That an humble Address be presented to his Majesty, to assure his Majesty that we fully participate in the deep regret which has been so generally manifested by his Majesty's loyal subjects on the Death of his royal highness the Duke of York:—To convey the expression of our sincere condolence with his Majesty on the loss of his beloved and lamented Brother:—That we take this opportunity of again recording our sense of the eminent services which were rendered by his royal highness the Duke of York, in the capacity of commander-in-chief of his Majesty's Forces;—That we witnessed, with the utmost satisfaction, the continuance, to the last period of the life of his royal highness, of that unremitting attention to the duties of his high office, and of that strict impartiality and justice in the exercise of all its functions, which have so essentially contributed to perfect the discipline, and exalt the character, of the British army:—That to the expressions of these feelings of grateful acknowledgment of the public services of his Royal Highness, and of sincere sympathy with the present affliction of his Majesty, we add the dutiful assurances of our loyal and affectionate attachment to his Majesty's sacred person."

The Address was agreed to *nem. diss.*

HOUSE OF COMMONS.
Monday, Feb. 12.

CATHOLIC EMANCIPATION.] Mr. *Villiers Stuart* said :—I rise for the purpose of presenting petitions from sundry bodies of Irish Catholics. The first, on the part of the Catholic bishop and clergy of the diocese of Waterford, and the rest from various parishes in that county, praying to be emancipated from the political disabilities to which they are now subjected. I should not venture to accompany the presentation of these memorials with any remarks at length, if it had not been the wish of many of my constituents, whose names are attached to them, that I should press the consideration of this question upon the House, in as strong a manner as possible. I cannot help feeling that I, who am a very young member of society and of this House, should offer some apology in rising to address it on a subject of such vast importance as that contained in the prayer of the petitions I now hold in my hand ; but the very importance of the question, connected as it intimately is with the well-being, bound up as it is with the dearest interests, of those whom I have the honour to represent, will, I trust and believe, be accepted as no trivial excuse for my coming forward on this occasion.—Sir, I have not the presumption to request attention to my own opinions, merely as those of the individual who has the honour to address the House. I am aware, that, if what I say shall be considered to have any claim at all upon its consideration, it must arise from the sanction of those who have deputed me to speak their prayers, and from the circumstance of those prayers being offered up by the petitioners, in common with nearly the entire nation to which they belong; and, Sir, in making this assertion, I would not wish to be understood as putting forward any exaggerated statement of facts. In Waterford, with which I am more particularly connected, Catholics are to Protestants as twenty-three to one ; in the province of Munster, of which that county forms a part, the proportion is still more favourable to them; and in the two provinces of Leinster and Connaught, it is, perhaps, scarcely less so ; and these calculations, founded as they are upon a census taken with the closest investigation and most accurate research, bear me out in the assertion, that nothing less than the prayers of a nation are offered up in support of those measures which the House is called upon to sanction by its approbation ; and if to this numerical preponderance you add the weight and influence of a vast proportion of landed property in the hands of Irish Protestant proprietors, it must, I think, be conceded, that few questions ever came to the consideration of the House, backed by so powerful and mighty an advocacy as does that which now, on the part of the petitioners, claim the decision of the legislature in its behalf. A favourite topic of those opposed to the claims of the Catholics, has hitherto been the apathy with which these have been regarded by all but, as it was stated, a faction belonging to the Roman Catholic persuasion ; and the indifference with which, excepting a few among the higher classes, the subject of their disabilities has been treated by the great proportion of those who have laboured under the pressure of them. The day is past, the hour is gone for ever, when such an allegation as this could be resorted to as an argument against concession. Aye, if it were matter of doubt on the minds of any before the dissolution of the late parliament, the event of the general election must have flashed conviction on the minds of all how deeply interested are the feelings of every class of Roman Catholics in the question of their emancipation ; and how false, how utterly false, have been the charges of indifference, under which those in the humbler grades of society have laboured. The Catholics have shewn they know their rights, and knowing dare assert them. They have given ample proof, that the love of liberty and those rights is with them superior to the considerations which commonly influence men in their humble walks of life ; they, even the lowliest of them, have, for the sake of emancipation from the political disabilities under which they labour, been content to incur the weight of their landlord's heaviest displeasure ; they have dared to brook his anger, and the poverty and oppression incident to it : they have confronted, undismayed, disease and famine ; but turned indignantly away from the bribe which, perhaps, might have saved them from the ravages of both. Such has been the conduct of, such the noble refutation given by, the peasantry of Ireland—the much calumniated forty-shilling freeholders—to the slanders of their enemies, when an opportunity offered to

prove the charge of apathy unfounded. What, however, has their bearing been, but a corroboration of the evidence taken before the committee appointed to inquire into Irish affairs? Had we it not on the authority of all those examined on that occasion, that there is but one and the same feeling pervading every class of Roman Catholics, from the highest to the lowest in degree—a sense of injury and dissatisfaction arising from their disabilities? I am willing to allow, that these are not felt as an immediately operating grievance by all equally; yet the consciousness of their existence tends to increase the weight and influence of those who, feeling them more acutely, are inclined to predispose their fellow-subjects to disturbance, or to suspect the administration of justice, on which alone a government can found any claim to respect or obedience on the part of the governed. The Catholics feel themselves a degraded and oppressed class, when compared with others of the king's subjects—that they are looked down upon by those in power; and they withdraw from the government their confidence accordingly. They are willing to see the Protestant church protected and secure in its immunities; but cannot understand how their admission to the political honours and advantages of the State can be considered as incompatible with this object. Their disabilities produce actually a morbid sense of self abasement, a consciousness of degradation and inferiority, which has the worst effect upon the morals of the people. They feel like men who, as it were, have lost their caste; and how can it be otherwise, when they see a privileged order set over them? Take a Catholic, for instance; let his rank, his talents, his property, be what they will, he is perforce to content himself with taking a passive rather than an active part in the legislation of his country. If he be mild and meek of disposition, it is just possible he may continue, without repining, to pass his life in dull contented obscurity; but if he be made, as most men are, of somewhat a more stern and inflammable disposition, can he see himself looked down upon by the more favoured part of the community, with whom he has little or no interest? Should he be in any profession, shall he find a limit set to his honest ambition—the honours not attendant on the toil? Shall he hear his oath proclaimed a lie, and his loyalty and religion slighted, and afford matter of wonder to any that he should writhe under the sting of such accumulated indignity and insult? Because we cannot make men Protestants, shall we make them rebels? I appeal, Sir, to human sympathy and human feelings, whether the mind of a man of ordinary sensibility must not become in the highest degree susceptible of insurrectionary contagion; whether the distinction created by law must not uphold and perpetuate the recollection of old times and old wrongs? Owing to the penal code is it that the fanatic murders of a former century loses nothing, in the minds of the Irish, of their original greatness by a long tradition. Owing to the penal code is it that they still cherish a sore remembrance of the obstacles thrown in the way of hearing mass, when they were obliged to resort to bogs, caves and morasses, for the purpose of worshipping the Deity after their own manner; and when their bold avowal of their religious tenets was a crime of greater magnitude, in the eye of the law, than the disguise of prevarication and falsehood under which the priests were obliged to cloak their sacred calling. Refuse, Sir, to the Irish their privileges, and the spirit of the Catholic church will continue to increase, and at length prevail over that of the nation. Grant them to them, and they will thenceforward, I am convinced, become animated by a British rather than a Catholic feeling. The votes of the Irish representatives alone are sufficient to convince them that, but for the Union with England, long ere this they must have been emancipated; and is it wise, is it prudent, I would ask, to give the Irish cause to hate the link which binds them to us? But, unhappily, Ireland has ever been fated to find in England a false and haughty mistress; let the broken Treaty of Limerick, the iron reign of a past, and the wily inducements to which, at the commencement of the present century, the Union owed, and owed alone, its success, attest the fact. It should be borne in mind, however, that both oppression and treachery fail to attain their objects, when the first ceases to hold in subjection, and the last to deceive those on whose account such means have been resorted to. Persecution is known to act in direct opposition to the wishes of the persecutors. Persecution, in queen Mary's time, did more towards establishing, on a firm and solid basis, the Protes-

tant religion, than did all the Edicts, promulgated for its support, in the life-time of her father, Henry. Without persecution, the church of Scotland had not gained a victory over that of England; and without persecution, the Catholic church would scarcely, in the mighty flood of its monopoly, have absorbed the affections of the Irish, nearly unrivalled, to itself. It has been observed, and well observed, that the Catholic is, *de facto*, the substantive, and the Protestant but the adjective, religion of Ireland; and most true it is, that that only can become really efficient as the established religion of a country, which has obtained possession of the hearts and affections of that country's population. Years of blood, discord, and rebellion were the consequences of our attempting to do in Scotland what we are now endeavouring to bring about in Ireland. Scotland had chosen Presbyterianism as best suited to the feelings, opinions, and prejudices of its population; and we were, accordingly, obliged to yield to that majority's predilections; since when, peace and prosperity have become the characteristics of a country, which, before, was torn by disorder and anarchy; from being one of the most disturbed, it has become one of the most peaceful portions of the British empire. If, then, Sir, a positive good results from allowing to take their course, unmolested, the religious opinions and prejudices of the majorities in two portions of the United Kingdom, I should be glad to learn why the principle is lost sight of in the case of the third? In a word, why that which is deemed sound policy in England and Scotland, is not acted upon in the instance of Ireland? But we are told, Catholicism embraces doctrines totally incompatible with the spirit of the British constitution; and this allegation is founded, as I learn, upon the following charges brought against the Roman Catholic church: first, it is matter of accusation against Catholics, that they are guilty of impiety in usurping, through absolution, the power of forgiving sins; secondly, that they promote vice, in granting, by means of indulgencies, an anticipated pardon for sins to come; thirdly, that they do not feel themselves bound by the sacred obligations of an oath, should the pope choose to dispense with the observance of it; fourthly, that they divide their allegiance between a temporal and a spiritual sovereign; fifthly, it is said they hold the principle that it is lawful to break faith with heretics. Such are, if I am not mistaken, the ground, at least the ostensible one, on which a party in this country ground their hostility to the claims of the Catholics. Having now put the question into a somewhat tangible form, and classed under five separate heads the principal arguments of its opponents, I will now proceed to examine how these will be found to bear upon the merits of the question at issue, and I am bound in candour to confess, that if these tenets, which have been imputed to the Catholics, were cherished by them as such, no one would feel more anxious than I should to prevent from a participation in the honours and advantages of the State, men who could hold doctrines so contrary to the dictates of Christianity, so totally incompatible with the very existence of civilized society; but how stands the case? These opinions which have been imputed to Catholics, as part and parcel of their creed, turn out to be the mere fabrications of artful and designing men; cobwebs spun for the purpose of enveloping the brains of those who have not force to break through the entanglement of them; the real fact is, these doctrines, at the present day, are as little characteristic of the church of Rome, as of that of England. On what authority do I make this assertion? Not on my own—not on that of two, three, or four obscure individuals; no dubious testimony will it, I trust, be thought I call in support of what I advance, when I summon as witnesses in my behalf, the whole Catholic hierarchy of these kingdoms; and can it be supposed that a body of men, devoted as they are to a high and sacred calling, many of whom are now hovering on the very verge of the grave, most of them having passed long lives in the service of their God, and all of them enjoying reputations untainted by the slightest breath of calumny, towards whose spiritual guidance are turned with reverence and affection the regards of eight millions of our fellow Christians—can it be supposed, I ask, for an instant, that a body of men so circumstanced, would unite in subscribing their names, attested by that holy and venerated symbol of their religion, the cross, to a falsified statement of their creed—a creed which teaches them not less than our own, that truth is the first attribute of the Deity whom they worship,

and whose word they are sworn to teach and to obey, in full hope, that none are to be found so besotted by bigotry, so wedded to religious prejudices? I shall bestow a few moments consideration on the substance of the statements as published by authority of the Catholic prelates, in vindication of their calumniated religion. Firstly, then, as I have stated, they are charged with impiety, in usurping, through absolution, the power of forgiving sins. What is their answer to this? That no actual sin can be forgiven at the will of any pope, priest, or individual whatsoever, without a sincere sorrow for having offended God, a determination to avoid future errors, and to atone for past transgressions — he who, without these necessary dispositions, receives absolution, only incurs the additional guilt of hypocrisy and profanation. Secondly, it is stated, they promote vice in granting indulgencies as an anticipated pardon for sins to come. Why, they declare an indulgence is no pardon for sin at all; it only remits, on repentance of the sinner, the whole or some part of the temporal punishment with which the church had in the first instance thought fit to visit the offence. With regard to the third charge, that Catholics do not feel themselves bound by the sacred obligations of an oath, should the pope choose to dispense with their observance of it, they state, they cannot sufficiently express their surprise and abhorrence of such an accusation, since they believe no power in any pope, priest, or individual, or body of men whatever, can make it lawful for a Catholic to confirm any falsehood by oath, or absolve himself from any oath by which he may have either ratified his allegiance to his sovereign, or any obligation of duty or justice to third persons; he who takes an oath, is bound to observe it in the obvious meaning of the words, or in the known meaning of him to whom it is sworn. For the fourth charge, that they divide their allegiance between a temporal and a spiritual sovereign: they feel indignant at the imputation; in the sovereign and the State, they believe and declare, are vested the regulation and direction of temporal affairs; they only bow to the guidance of the pope in spiritual matters, according to the divine command of "render unto Cæsar the things which are Cæsar's, and unto God the things which are God's." Fifthly, they disclaim holding the principle, that it is lawful to break faith with heretics; they believe and declare, that every Catholic, as well by the laws of nature as those of revealed religion, is bound to observe the duties of fidelity and justice to all men, without distinction of nation or religion. Having now endeavoured to explain those points of Catholic doctrine, which are most frequently misrepresented or misunderstood, and the substance of the statement by which the Catholic prelates have rebutted and falsified the charges levelled against their religion, I trust I am not too sanguine in believing, that justice will, ere long, be done to the principles of the Catholics—that it will at length be conceded, no opinions flow from them incompatible with their duties as Christians, or as British subjects: and I now beseech the legislature, but more especially his majesty's government, upon the members of which the settlement of this question must mainly depend, to pause ere they withhold their consent to the prayers of these petitioners; I would remind them that we may now chance to be upon the very verge of war; a war, which, if once kindled, would, in the idea of the right hon. Secretary for Foreign Affairs, partake of the most tremendous character of any, perhaps, which ever took place in Europe; for, as the right hon. gentleman had stated, it would, in all likelihood, become a war of conflicting opinion. Where is that country, I should be glad to know, which would suffer more from the operation of such a war than would Great Britain, as regards her Irish interests? I would remind his majesty's government, too, that a system of persecution and oppression has been followed up with regard to Ireland for four centuries past; that the annals of the country may literally be traced in blood, have been marked by a greater degree of atrocity and barbarism than can be discovered in the history of any other country in Europe during the same period; that civilization has crawled a slow and intimidated progress, while poverty and disaffection have strode over the nation's prostrate energies; and I would ask if such are, and history tells us they have been, the deadly effects of a four hundred years' experiment, whether it might not be as well to try if a contrary system would not have a contrary effect. If the mild attentions of a sister for the future

might effect what the harsh dominion of a mistress has hitherto failed to do, what enables us to rule the seventy or eighty millions of our Indian territories, with comparatively more ease than the seven or eight millions? Why are the Catholics of Canada, divided as they are from us by the broad Atlantic, more amenable to our laws, more contented with the government than the inhabitants of a country whose shores approach within but a few short miles of our own? Why, but because in Asia and America we can condescend and find it for advantage to court and consult the public opinion; because we go to war with it in Ireland, in Ireland it goes to war with our government. Since, then, opposition fails, let us try concession; since persecution begets only disaffection and discontent, let us adopt a milder system: in a word, let us place the Catholics upon the same footing as ourselves; let us allow them to participate with us in the advantages and honours of the state; let us give them an interest in its welfare, and I feel convinced, as I stand here, that they will be found among its subjects some of the most loyal, amongst its defenders some of the most faithful.

Ordered to lie on the table.

DEATH OF THE DUKE OF YORK—ADDRESS OF CONDOLENCE TO HIS MAJESTY.] Mr. Secretary *Peel* rose, and said:—Sir, in the period which has elapsed between the separation and re-assembling of this House, the country has sustained the loss, by death, of the first prince of the blood; a prince whom the probable course of human events would, at some future period, have placed on the throne of these realms. Under such circumstances, at any time, and without reference to personal qualities or extraneous considerations, this House would have been induced, in unison with the general feelings of the country—to have presented an Address to the Throne, expressive of their respectful sympathy with the feelings of his majesty. The House would, under any circumstances, I say, have been induced to adopt that course, from the feelings which must necessarily arise in the bosoms of subjects of an ancient and limited monarchy, from those feelings that spring from the deep-felt conviction, that there is no other form of government better suited to the genius and habits of the people of this country, or better calculated for the maintenance of their happiness, and the enjoyment of their rights. The House would, I repeat, have been induced to adopt that course from the influence of these feelings alone; but, Sir, I feel that the circumstances under which we are called upon to present an Address of Condolence to the King, in consequence of the death of the Duke of York, are, in some respects, peculiar, and different from the ordinary course of events. This Address, if acquiesced in by the House, will be presented to one who was the companion of the deceased prince's early years—who had studied with him in his youth, and who had been intimately acquainted with him throughout his life; to one who had watched over him in his dying moments, in the utmost affliction, and who felt his loss with the regret of a brother. I am sure no consolation is better calculated to assuage the affliction which that illustrious person must feel, than the demonstration that this House concurs in the universal feeling of respect which is felt throughout the country for the memory of the deceased duke, and in the universal disposition to offer their respectful assurances of regret for his loss. But, mixed with that regret, which, as I said before, under any circumstances, this House would be disposed to evince, is the feeling which arises from the deep respect which, I am warranted in saying, it must feel for the public services of the deceased duke; and also a feeling of a tenderer and more domestic sort, which arises from long experience of the great kindness of his heart, and the benevolence of his disposition—qualities which adorn any station of life, but which shine with peculiar lustre when displayed in such exalted rank. Sir, I do not stand up here for the purpose of pronouncing a set eulogium on the character of the Duke of York. It was well said by an hon. gentleman opposite, upon an occasion not dissimilar to the present, that a laboured panegyric on the great, was better suited to the genius of despotic countries, than to the free institutions of this; and nothing would be less in character with the open manliness and candour of him who is the object of this Address, than that I should ascribe to him qualities which he did not possess, or deny him those faults from which none are free. I shall therefore confine myself to the truth, and I think I do not transgress the truth when I say

that, in the public capacity of commander-in-chief of the forces, his royal highness, the deceased duke, improved the discipline, and raised the moral character of the profession.—I do not transgress the truth when I say, further, that he possessed a combination of singular advantages and of peculiar personal qualities for properly discharging the functions of that high station, and that he lost no opportunity of availing himself of those advantages. Sir, for a period of six and forty years the Duke of York was a soldier in the British army, and for a period of thirty-two years, with a slight intermission, he held the high situation of commander-in-chief; and I do not believe that any man could do justice to the services which he rendered to the country in that capacity, except the man who knows, by personal experience, or has taken the pains to look at the state of the British army, as to efficiency and discipline, when his royal highness assumed the command of it, and its state at the moment when he relinquished it. I cannot soon forget the last words which I myself heard from his lips, only nine days before his death, upon hearing of the landing of part of the British troops at Portugal. With a faint expression of honest triumph, he said he wished any one to compare the condition of the brigade which landed at Ostend in 1794, with the corps which dis-embarked at Lisbon in 1826. These were the last words which I heard from the lips of his royal highness. The Duke of York had himself commanded a British army in Holland, before he was raised to the office of commander-in-chief; and when he came to it, he declared that no other officer who might hereafter command on foreign service should be subjected to the same disadvantages that he had laboured under. Sir, no other but a man of professional experience could trace the progressive steps by which this discipline and efficiency had been effected in the British army. To do so it would be necessary to detail the several rules which have been adopted and watched over with great attention, in order to the correction of many abuses, and the supply of many defects in the British army; the many regulations by which the welfare and comfort of the soldier, in the subordinate ranks of the army, were secured, with respect to his religious instruction, his duties on foreign service, the education of his children, and the economy of his regimental intercourse. To give effect to these would require a man of professional knowledge; but I do not think a lengthened allusion to them necessary; I attribute the general effect less to the operation of particular rules than to the influence of the more large and extended system which he adopted towards the troops. It is in the example which the Royal Duke set to the officers in his own person, of gentlemanly and courteous attention to the wants of the meanest soldier—in the stimulus which such an example gave them to do their duty—in the conviction which he made every man feel, that however low his station, justice would be done, and protection afforded him against oppression—in these particulars, I say, and in these effects, are to be found the causes of the army being made that wonderful machine which, by regularity of movement, and submissive obedience to authority, retains the energy which ever distinguishes the soldier of a free state from the passive machines of a despot. During the thirty years that the Duke of York filled the situation of commander-in-chief—a long period, comprising, I believe, ten thousand days. I do not believe I exaggerate when I say, that there was not one of those ten thousand days which passed by the Royal Duke without devoting some portion of it to the performance of his public duty. Never was there a letter received at the office over which he presided, without being noticed, if it was susceptible of an answer. If it contained a signature, the reply was, without delay, transmitted to the proper address. And it ought to be stated, to the honour of the deceased Duke, that the answer so sent was not a mere dry, official communication, referring the party to some other department, but that, upon every occasion, his royal highness showed an anxious desire to facilitate the despatch of business, although it might not be within his own department. If the letter had no signature, but preferred a complaint, it was not necessarily rejected because it was anonymous, but immediate inquiry was made, to ascertain whether the particular charge was well or ill founded. And, upon every occasion of promotion in the army, I think I can appeal with confidence to the House itself, whether there has not been a universal wish to do justice to the strict impartiality with which his royal highness discharged that most important

part of his duty; and I address myself more particularly to the hon. gentlemen opposite, and ask whether they had reason to complain, that in any case, a man's political sentiments presented any bar to his receiving the reward of his merit in the army. I am sure they will agree with me, that no objections were made to a man's promotion from anything like personal hostility, and that his royal highness always showed an earnest disposition to forget and overlook all associations, as connected with any claimant for reward, other than his actual merits or demerits. But, Sir, I do not conceive this to have been, his royal highness's highest merit. In the administration of his high office, the exalted individual had not merely to guard against the influence of personal prepossession, but to exercise a reasonably jealous apathy with respect to the fame of individuals; for, if he suffered himself to be dazzled too much by the eclat of military glory derived from actual service, he might be tempted to overlook those who, deprived of the opportunities of distinguishing themselves, were panting for such opportunities. Upon all occasions in which the Duke of York had to bestow promotion, he acted with impartial justice—not only to those who had merited distinction by their valour, but to those who had shown a disposition, but had not had the opportunity of distinguishing themselves. As proofs of his strict impartiality, I will recite one or two facts. In the year 1825, when an augmentation of the army took place, no lieutenant, with a solitary exception, was promoted who had not entitled himself by service. From 1810, I can state confidently, that no favour was shown to any individual, with the single exception which I have stated, and that was a case which can reflect no dishonour on the illustrious deceased. One lieutenant, whose standing was only from 1814, had been promoted; but it was under these especial circumstances.—At the battle of Waterloo this officer, though a subaltern, became in command of his regiment, all his senior officers having been killed upon the field. This was the only one promoted, who was not of the required standing; and could it be said that it was a case unworthy of notice? With respect to the ensigns the same impartiality was shown. In 1825, twenty-two captains received majorities without purchase. The grant of a commission without purchase affords a great opportunity of showing personal favour; but such favour could not be charged in any one of these instances. Of the twenty-two captains who received majorities without purchase in 1825, the average service was twenty-six years; and of these seventeen were spent in their particular regiments. In 1825, sixteen majors were promoted to the rank of lieutenant-colonels without purchase, whose average service was twenty-eight years, fifteen of which they had spent in their own regiments. In short, Sir, I am justified in saying, that there never was an instance in which any officer has been promoted without purchase over the head of his senior, unless where this latter, by some misconduct, had forfeited all reasonable claim to priority; and, let me add, where the promotion was by purchase, the officers of the same regiment were first invariably consulted. Of the first commissions granted without purchase in 1825, three-fourths were given to the sons and relations of officers in the army and navy—to young men who had no other claim than that which was derived from the services of their parents or relatives.—I have thought it right, Sir, to state these facts, because the simple truth is the highest honour to the memory of the deceased Duke. That his royal highness possessed singular advantages for his high situation is beyond doubt. In the first place, having been in the army forty-six years, of which, for thirty-two years, he was commander-in-chief, he had opportunities of watching over the conduct and progress of a vast portion of the officers. He knew their persons; he was cognizant of their services; and, in very many instances, he was aware, from personal observation even, of the circumstances under which their wounds had been received. And let me remark, that it is matter of no slight consolation to a gallant, but suffering soldier, to know that there is an eye which constantly watches his progress, notes his services, and gives him credit for his merits; for such a conviction must greatly lessen his pain and enhance his exertions. Sir, the service has derived many and most substantial advantages from the noble Duke's administration; but perhaps, of all, that is the most substantial which gives the soldier the conviction, and consequently the confidence, that his merit, if he has any, will not be overlooked. I think, therefore, that the House will be certainly disposed to mix up with its expression of

Condolence to his Majesty upon this occasion, a repetition of that sense of his royal highness's services which it has made more than once before.—Sir, I do not know that it is necessary for me to offer any additional observation to induce the House to acquiesce in the proposal for this Address. Some persons may think that all reference to the personal qualities of the individual, upon occasions like this, is unnecessary; but no man can, I think, read the history of the monarchy of this and of other countries without acknowledging how far the personal character of the sovereign influences the manners of the age, and how much they strengthen the claims of royalty upon the people. And in that history, it would, I think, be difficult to find an instance in which there has not been exhibited, not only by the Duke of York, but by every member of his illustrious family, the warmest disposition to promote every charitable object, to enter into every benevolent enterprise, and to contribute, not only by their money, but by their personal services, to the completion of these laudable purposes. In truth, Sir, I think we might all of us benefit by the example of active charity which has been set us by that illustrious family. Every one who hears me knows, I have no doubt, after his time and attention have been very fully occupied with business, how painful it sometimes is, on receiving an application to attend at some meeting for charitable purposes, to make the requisite exertion. But I would ask any man, who ever had occasion to apply, with such an object, to the late Duke of York, whether his application did not meet with a cheerful acquiescence from his royal highness? whether such assistance was not immediately given, with that ready benevolence, which it is impossible to assume, and which could flow only from a generous and charitable disposition, to co-operate in every scheme, having for its object the relief of misery and distress?—I shall here, Sir, close the few observations with which I have deemed it necessary to accompany this motion for an Address of Condolence to his Majesty. I trust I have adhered to the intention I expressed, at the ou set, of confining myself strictly to the truth in any statements I might make, and of abstaining from all exaggeration, as unsuitable either to the occasion, or to the character of him to whom those statements relate. In like manner, in the wording of the proposition with which I shall conclude, I shall studiously abstain from every topic calculated to provoke angry discussion, or to interrupt that unanimity which will, I am certain, mark the proceedings of the House on an occasion of this nature. I shall studiously abstain, I say, from every topic that can, by possibility, render any one man reluctant to give his assent to this motion. In the same feelings, Sir, I disdain to take advantage of any particular opinions which this lamented personage may have entertained, by any appeal to the concurring views of those who entertain, on that subject, similar opinions; for I am confident, that every man in this House, be his political opinions what they may, will be anxious to concur in an address, that expresses no other feeling but that of sincere grief, for the loss of an illustrious prince, who administered his high functions with great attention, great justice, great fairness, and great success;—who improved, in a most extraordinary degree, the discipline, and raised the character, of the British army; and whose name will ever be associated with its distinguished reputation and its brilliant achievements. I believe, Sir, that no man, whatever his political sentiments may be, will refuse to participate in the feelings of those who were admitted to a more intimate and friendly acquaintance with the royal Duke; but that they will concur in sympathising with his majesty for the loss of one, whose last moments were consoled by the reflection, the purest and best of consolations, that, during the course of a long and varied intercourse with society, he had never abandoned a friend, nor resented an injury. I, therefore, propose, Sir, "That an humble Address be presented to his Majesty, to assure his Majesty, that we fully participate in the deep regret which has been so generally manifested by his Majesty's loyal subjects, on the death of his royal highness the Duke of York:—To convey to his Majesty the expression of our sincere condolence with his Majesty, on the loss of his beloved and lamented brother:—That we take this opportunity of again recording our sense of the eminent services which were rendered by his royal highness the Duke of York, in the capacity of Commander-in-chief of his Majesty's forces:—That we witnessed, with the utmost satisfaction, the continuance, to the last period of the life of his Royal

Highness, of that unremitting attention to the duties of his high office, and of that strict impartiality and justice in the exercise of all its functions, which have so essentially contributed to perfect the discipline, and exalt the character, of the British army:—That, to the expression of these feelings of grateful acknowledgment of the public services of his Royal Highness, and of sincere sympathy with the present affliction of his Majesty, we add the dutiful assurances of our loyal and affectionate attachment to his Majesty's sacred person."

Mr. *Brougham*, feeling the deepest sympathy with those who most deplored the decease of his royal highness, the late commander-in-chief, assured the right hon. gentleman, that the language he had employed on this occasion, made it not only perfectly easy, but extremely grateful for him to concur in the proposed Address. In now rising to express his own entire concurrence in the language of the right hon. Secretary, he should abstain from all comment, further than to add that he considered it to have been no small praise to his royal highness, and one that might with perfect truth be applied to his memory, to have, for so long a period of time, enjoyed the disposal of the immense patronage of the army, without ever allowing political considerations—by which, he would be understood to mean, such as were more commonly termed party considerations—to interfere with the disposal of that patronage. And he would add another just eulogium, that his royal highness had shown himself quite incapable of allowing mere personal feelings—feelings of asperity towards any particular individuals for example—to cast any shade across the path of his public duty; and, surely, the best testimony which the country could have of the sincerity and honesty of those strong political opinions which his royal highness confessed himself to entertain on certain questions—and, on some subjects, he might be almost tempted to call them prejudices—the best test that his royal highness at least held them honestly and conscientiously, was this, that he cherished them as much as possible, free from all admixture of asperity towards those whose notions were opposed to his own on such matters.

Sir *Robert Wilson* regretted that the right hon. gentleman, in proposing this Address, had not stated to the House more particularly the means by which the Duke of York had brought about so salutary a revolution in the army. In 1791, its inefficiency, as to the public interests, was carried to an incredible degree of inattention to the means of enabling men to discharge their duty in the army. Under the Royal Duke's administration great changes were soon effected; but the right hon. gentleman had omitted to state, that the improvement which the Duke of York had effected in the discipline of the army was brought about without any exaggerated severity. When his royal highness came into office, corporal punishment, which had been carried to so great an extent that it had become a matter of opprobrium in the eyes of foreigners, was considerably reduced, and he now called upon the House to complete that which the late commander-in-chief had begun. The kindness, the benevolence, and the impartiality, of the Duke of York were well known; and although parties, upon whose cases he judged, might sometimes think his decisions harsh, yet in no case had any one impeached the motives upon which he had come to his determination.

The Address was agreed to *nem. con.*

NAVY ESTIMATES.] On the order of the day for going into a committee of supply, and for referring the Navy Estimates to the said committee,

Mr. *Hume* said, that before the Speaker left the chair, he wished, seeing the right hon. the chancellor of the Exchequer in his place, to ask him whether this was not a proper occasion for the right hon. gentleman to state what was his intention with respect to the expenditure for the year. He thought that, before the House was called upon to vote on this subject, they ought not only to know what was proposed as the amount of expenditure, but also the income of the past year, that they might judge of the scale on which the estimates should be formed, with a view to the means that the revenue of the country possessed of discharging its debts. He wished to know whether the expedition to Portugal had added to the amount of the estimates, and he wished also to impress upon the House the necessity of their considering that, in the present distressed state of the country, no increase should be sanctioned, and that they ought

not even to be allowed to continue at their present amount. There was no part of the public establishment in which he wished less to see any reduction than in the navy; but he wished also that one general view of the proposed expenditure should be laid upon the table, before the House was called upon to vote at all. He took that opportunity of asking particularly, whether the navy estimates for the present year were to be on exactly the same scale as those for the last, or whether, as he had heard, they were to be increased? If the latter, he wished to know whether the right hon. gentleman could state, if the revenue was adequate to meet the increased expenditure, without resorting to a loan.

The *Chancellor of the Exchequer* said, that any answer which he could make to the inquiries of the hon. member must of necessity be unsatisfactory, unless it could be accompanied with a full explanation, and a discussion of all the points involved in it. As he was not prepared to enter upon such an explanation and discussion at that moment, he could only pursue the course which he had adopted in antecedent years, and generally approved of by the House, whatever objections might have been made to it by individuals. He must also remark, that he thought, at the present moment, the state of the navy was an object of so great importance, that no obstacle ought to be placed in the way of the vote; and for this reason, even if he were prepared to enter on the discussion which the hon. member seemed to invite, he should decline doing so. At no distant period he should be in a situation to make the fullest statement on this subject, and he trusted the House would not think that it was from any unwillingness on his part to meet the discussion, that he now declined to let it interfere with the present vote, but because he thought that nothing should stop the course of so important a branch of the national strength as the navy.

Colonel *Davies* said, that shortly after the meeting of parliament, he had given notice of a motion to refer all the estimates to a committee above stairs. It might be expected that he should, therefore, object to the present vote; but he begged to state his opinion, that every thing ought to be done to support the government of the country in the manly line of conduct they had adopted, and that he would be the last man to do any thing which might diminish the establishment of the navy. With respect to the army and the ordnance, he entertained the same opinion; and he therefore should not make the motion of which he had given notice.

Sir *J. Yorke* said, that the hon. member for Aberdeen might be assured that the Board of Admiralty, as well as the other departments of the state, had fully inquired what were the exigencies of the state and what its expenditure, before they prepared their estimates, and that they had shaped them as low as was consistent with the honour and safety of the country.

Mr. *Maberly* thought his hon. friend, the member for Aberdeen, had done no more than his duty. He had no doubt that ministers knew what was the state of the revenue; but that was not enough for the House. They had a right to the information which his hon. friend asked for, and ought not to take any thing for granted. Before the House consented to vote away the public money, they should have an account laid on the table of the means from which that money was to be derived.

Mr. *Hume* said, he would not now prevent the Speaker's leaving the chair, but should take the earliest opportunity of ascertaining the sense of the House on this subject.

Mr. *Calcraft* thought there was a great deal in the hon. member for Aberdeen's objection, but considering the state of the country, he could not consent that any obstacle should be put in the way of the vote for the navy estimates. He was glad to hear that the establishment was not to be cut down, and that government had paused before they put into execution their intention of reducing it. Even if our foreign relations had been less urgent than they were, he should be against any reduction. Every body knew how much depended on the navy, and that when the country was involved in war, notwithstanding the reliance which we placed on the army, it was the navy that must fight us through. The praises which had been so justly bestowed on the duke of York, reminded him that the system of regularity and fairness of promotion in the army, which had been put in practice by him, was one of the most honourable parts of his character. He wished to recommend to those who had the direction of the navy,

the adoption of a similar system, which would be satisfactory to the service, and eradicate the notion which prevailed almost universally, that the army was exclusively favoured. He was aware that the commissions not being bought had some influence in producing this notion: but he still thought that means ought to be adopted, by which those who merited preferment would be rescued from the hopeless state in which the present system plunged them.

Sir *George Cockburn* assured the hon. member, that there was the strongest desire in the admiralty, to do every thing in their power to forward promotion in the navy. Some years ago it had been thought to go on too rapidly; but he was glad to see a more liberal feeling springing up, and was confident that nothing would be wanting on the part of government to give it a beneficial effect.

The House having resolved itself into the committee,

Sir *George Clerk* said, that in calling the attention of the House to the navy estimates, he meant to confine himself to the differences between those of the present and of the past year. The difference in the total amount was not more than 10,000*l.* The number of seamen was exactly the same, and no reduction could be expected when it was considered, that long ago as great a reduction had been made as was compatible with the public service. The cessation of hostilities in the East Indies, and the more settled state of the governments in South America, would, perhaps, have justified the government in reducing the numbers, but other events which had happened recently rendered the necessity for keeping up the naval force as great as ever. The state of Greece required as great a force in the Levant as before; and, if any objection could be urged against the estimates, as respected this part of the establishment, it would be that the force was too small rather than too large. The wages were precisely the same, but a considerable diminution had taken place in the victualling charges. The Board had been enabled to effect this diminution by sending out provisions, instead of buying them through the hands of agents, and thus procured better as well as cheaper provisions. But some increase had been consequently occasioned in the transport service. The diminution of the half-pay charges amounted to 15,000*l.*; but that for widows' pensions had increased considerably. In the other departments there had been no change. The charge for new works was 36,000*l.*; and, respecting this, it was necessary for him to explain, that some of them had not been contemplated when the vote of last year was proposed. The finishing, repairing, and enlarging the Woolwich basin amounted to 15,000*l.* A sum of 8,000*l.* had been expended in the erection of flour-mills at Deptford. This had been done in consequence of serious complaints having been made against the contractors for the bad quality of the article. The greatest benefit had been experienced by this improved manufactory of flour, for which reasons he trusted that the expense of the mills would not be objected to. The marine infirmary and hospital at Chatham had cost 7,000*l.*; and, although this building seemed larger than was necessary, it must be remembered that it enabled the board to do away with the hospital ship, and reduced the medical staff to 4,000*l.* The hon. baronet then moved, "That thirty thousand men be employed for the sea service, for thirteen lunar months, from the 1st of January, 1827, including nine thousand Royal Marines."

Mr. *Hume* said, that it was high time to confine this vote within due limits. It was given as a reason that no reduction had taken place in the number of men this year, that our expedition to Portugal had interfered to prevent such reduction. But if we were to right the wrongs of other countries at the expense of our own, the number of men which the committee were now called upon to vote, would in a short time be insufficient for the purpose. The House ought to pause a little, and consider whether an expense of six millions per annum was not too much to pay to support Portugal and preserve the faith of treaties. At the same time that he deprecated the system of keeping up expensive war establishments in time of peace, he was ready to avow, that he would rather preserve the whole of our naval force, expensive as it was, than keep up half our present military establishment. If this country had not a redundant military force, ministers would never have ventured on the rash step which they lately thought proper to take. A superabundant army tended to encourage a nation to go to war. Where was the necessity for our keeping up an undiminished navy,

when it was notorious that if the fleets of all the world were arrayed against us, five hundred sail could not be produced to compete with us? It was worse than folly to keep up heavy war establishments in time of peace; because by so doing we deprived ourselves of the power to prosecute war with effect, when the necessity arose to adopt hostile measures. It was urged, however, that our interference in behalf of Portugal was a necessary step, and therefore he would not oppose the present vote, although as there was no longer a necessity for employing our forces in India and South America, the nation had a right to look for a reduction.

Mr. *Maberly*, having voted with ministers for sending troops to Portugal, could not with consistency vote against the resolution now proposed. He thought that the present was no time to talk of reductions in the army or navy; and he felt the necessity of upholding those establishments the more, when he reflected on the threats which America had thought proper to promulgate in the late speech of her President. It was right that England should have it in her power to show that she had an efficient army and navy at her disposal, and that neither was in a crippled state. Our internal difficulties had, no doubt, given rise to and encouraged those threats; but he hoped that those difficulties would soon subside; and he felt that the surest mode of allaying them and preventing their recurrence would be, to reduce the heavy taxation under which the country was groaning.

Sir *J. Yorke* said, that the hon. member for Aberdeen and himself were friendly to the same measures, and only differed in their means of adopting them. The hon. member wanted to cut down our naval establishment; but he could not agree with him in thinking that by husbanding our resources now, we could employ them to a better purpose when occasion required. On the contrary, he was firmly of opinion, that our best means of giving any country that might oppose us a black eye, was to show our capability to inflict it. Let the House look at what America was in 1783, and what she is in 1827; and then the question would naturally occur, whether it would be wise or safe to reduce a single frigate—whether it would be politic to cut off a single little finger from the body of the state. What would members say if the Secretary for Foreign Affairs had come down to the House and said, "Upon my soul, gentlemen, it is all over with us; we have neither ships nor soldiers to go to war." Instead of which, every measure of the right hon. gentleman had been crowned with success; a result which was mainly to be attributed to the means we possessed of assuming a hostile position. He remembered the speech of the hon. gentleman for Aberdeen, when it was proposed to assist Portugal. With part of that speech he could not help agreeing; but when the hon. member spoke about the danger of going to war, the Secretary for Foreign Affairs used an unanswerable argument—"Here's a treaty; is it to be kept or broken?" And what was the result? Had not the right hon. gentleman, in consequence of the step which we adopted with regard to Portugal, the power of saying to the ministers of France—"Well, gentlemen, if you evacuate Spain, I have no hesitation in saying that we will evacuate Portugal." He hoped he should not be considered partial when he said, that one of the right hon. Secretary's best assistants in the cabinet was his right hon. relative the chancellor of the Exchequer, whose loss would be generally felt, should the motions of the hon. member for Aberdeen be the means of getting him out of that House. Indeed, it would hardly be credited how much deference was paid to the opinions of the hon. member by his right hon. relative; for if any one were to go to him for the purpose of forwarding a job, the answer which his right hon. relative would make would be, "My good Sir, it is quite out of the question; why, what would Hume and the economists say?" As for the Dead Weight, he wished it were got rid of, for the sake of the living; and even if it should be necessary that the 3 per cents should be reduced to 2½, in order to the support of the military establishments of the country, it ought to be done.

Mr. *Hume* said, he should be sorry the idea should be entertained that he wished to cripple the resources of the country; at the same time he could not but observe, in reply to the gallant admiral, that the readiness to give a black eye often led to mischief. When a man had a sword at his command, it was natural for him to get into a quarrel; whereas, if he were without the means of doing mischief, it was more than probable that no quarrel

would ensue. With respect to the American president's message, he saw no likelihood of a quarrel arising in consequence of that document; and he thought that this country would be highly censurable if any misunderstanding with America arose out of the question to which the message referred. The gallant admiral had alluded to his right hon. relative the chancellor of the Exchequer; and he was glad to bear his testimony to the merits of the right hon. gentleman; whose candid and manly conduct on all occasions, had gained him the confidence of the House and of the country.

The resolution was agreed to. On the resolution, "That 955,500*l.* be granted for Wages of the said 30,000 men, for thirteen lunar months, at the rate of 2*l.* 9*s.* per man per month,"

Mr. *Hume* expressed a hope that the impressment of seamen would be discontinued. As soon as it was known that an armament was to be fitted out for Portugal, all the men engaged in the merchant service were filled with alarm in the several ports of England. They concealed themselves, and would on no account appear. At some future day he would bring the subject more fully before the House; and he trusted that, as some improvements had been introduced for the comfort of the seamen, impressment, which made the naval service so unpopular, would be abolished, and some inducement held out to men to enter voluntarily into the service. He also wished to see the ignominious infliction of flogging in the navy done away with.

Sir *G. Cockburn* said, that the subject had engaged the frequent and serious attention of the Admiralty; and, although he might not quite concur in the opinions of the hon. member, he would say, that if impressment could not be altogether abolished, it ought to be avoided and discouraged as far as was consistent with the efficiency of the naval service. He would not now enter into the question, but he would express his dissent from the opinion of the hon. gentleman, that the naval service was unpopular. The contrary was satisfactorily proved on the late occasion of sending troops to Portugal.

Sir *J. Yorke* thought the gallant officer exercised more anxiety, and was more nervous on the subject, than was altogether necessary. There was no question that required more to be thoroughly probed and searched than this. That the king, in a time of emergency, had a right to the services of every subject, was a proposition which he readily admitted; but a practice which tore a man cruelly from his family and his friends, and incarcerated him, as it were, in a prison ship, and obliged him to serve without limitation of time, was a practice that ought not any longer to be continued. If some milder method were adopted—some inducement held out to encourage men to enter into the naval service—with a population of twenty-two millions, it was perfect nonsense to suppose that we might not easily command, in any emergency, one hundred thousand effective seamen.

Sir *G. Cockburn* said, that so far from being unwilling to discuss the subject, he had expressed his readiness to do so whenever the hon. member for Aberdeen thought proper to bring it forward.

Mr. *Sykes* expressed a hope that some measure would be adopted that would do away with impressment in the navy. He should be rejoiced to see this foul blot removed from the high character of our naval service. Remedies had been suggested for the admitted evil. In a work written by captain Maryat, an officer of great experience, some valuable remarks were to be met with, which went to show that this great evil might be altogether abolished. He could not conceive a greater hardship than that a man in the merchant-service, on his return to his family, after having been six or seven years at sea, was liable to be seized on his coming into port, almost within the very view and grasp of his family and friends. Whenever the hon. gentleman should bring forward the question, it should have his sincere support.

Sir *George Clerk* observed, that in time of peace it was unnecessary to resort to impressment, but when any great national emergency arose, requiring decision and celerity, he knew of no other mode of supplying the wants of the navy; but if the hon. member for Aberdeen was prepared with any measure on the subject, it should meet with every attention from the Board at which he had the honour to sit.

Sir *E. Owen* said, he had frequently and anxiously examined this subject; and the more he examined it, the more he was satisfied that impressment at all times, and under all emergencies, could not, with safety to the naval service, be altogether

abolished; and that the most that could be done was, to ameliorate the circumstances under which impressment took place. Much, he admitted, might be done—much had been done—to soften the severity in some degree inseparable from the practice of impressing seamen. It was a mode of reinforcing the navy that ought only to be had recourse to in seasons of public emergency; but, like corporal punishments, it ought to be rarely resorted to, although it might not be prudent altogether to dispense with it. Corporeal punishments were found necessary to be continued on land, and when the crew of a ship were considered, and the necessity of enforcing regularity and discipline duly weighed, the House would perceive how much more difficult it was to dispense with corporeal punishment in the navy. He denied that the officers of the navy inflicted punishment in the ignominious way attributed to them by the hon. member for Aberdeen. After a limited time of service, it might be well, perhaps, to dismiss old seamen, and to take young men in their stead; as the country had a right to the services of its young men. But the House should beware how the power of impressing seamen was abolished altogether—how they threw away one rope of its salvation before it had another to cling by. It was utterly impossible that the advantages of sailors on board of men of war could be rendered equal to those of sailors employed in the merchant service. With regard to the long term for which they were sometimes kept, it ought to be recollected that the last war was one of a peculiar character. It had lasted for twenty years. It was true that, in several instances, men had been kept longer on foreign service than was desirable; but that was an evil which could scarcely have been avoided. What had occurred in that respect during the late war could not be considered as the general rule; for it was not probable that such circumstances as those by which the late war was attended would recur. As to giving permission to the men to go ashore, it was well known that such permission was destructive to those by whom it was obtained; that when leave was given to our sailors in the West Indies to go ashore, they were in the habit of drinking to excess, and sleeping in the sun; and that on their return aboard, they fell ill, and half of them were sometimes lost. As to the question of punishment, he regretted that when any attack was made on the character of the officers of the navy for excessive severity, instead of a sweeping accusation grounded on private, and in many cases unfounded, information, specific instances were not adduced, which it might be practicable to meet and rebut.

Mr. *Hume* said, that on former occasions when the question of excessive punishment in the navy had been under discussion, he had particularized cases of its occurrence. There was one case of a vessel having a complement of a hundred and twelve men, out of whom eighty-six had been flogged in the course of a twelve month. Would the gallant officer deny that such abuses had existed? They might be diminished; but it was most desirable to prevent the possibility of their occurrence. On the occasion to which he alluded, he had not confined himself to one or two cases, but had adverted to a number, proceeding, not on vague or private information, as the gallant officer supposed, but on the sentences of courts martial. It was not his habit to make any statement in parliament which was not founded on substantial evidence. In some instances he had withheld the names of the officers from considerations of delicacy. One officer, in particular, who had become sensible of his error, had been re-employed; and it would have been cruel to name him.

The resolution was agreed to. On the resolution, "That 624,000*l.* be granted for Victuals for the said 30,000 men, for thirteen lunar months, at the rate of 1*l.* 12*s.* per man per month,"

Mr. *Hume*, adverting to the item for erecting a corn-mill for the victualling department at Deptford, said, he should be glad to know for what reason government, instead of obtaining flour for the navy at that cheaper rate which competition would naturally occasion, had determined to prepare it themselves, at what must be a considerably increased expense?

Sir *G. Clerk* observed, that if the article manufactured proved to be of a better quality than that which could be obtained by contract, a slight difference in the price ought to be no object; but the fact was, that at the mills at Portsmouth and Plymouth, the flour was produced cheaper and better than it could be obtained by contract. The adulteration of flour intended for the use of the navy had been carried to so great an extent, that it

became necessary that government should take the grinding of it into their own hands. In the last year, not less than 6,000 bags of flour were found to be adulterated, either by a mixture of foreign ingredients, or by using wheat of an inferior quality; and as it was impossible that the examining officers could inspect every sack, it was fair to suppose that many others had escaped detection. The government, to prevent such fraud in future, had determined to grind their own corn, and, in addition to the mills at Portsmouth and Plymouth, they were to have an extensive one at Deptford, which would thus afford the means of grinding all the flour and biscuit meal required for the navy.

Mr. *Hume* wished to know whether the fraudulent factors alluded to had been prosecuted. Had the payment of the penalties been enforced?

Sir *G. Clerk* replied, that the punishment was the non-fulfilment of the contract. All the flour discovered to be adulterated had been thrown on the hands of the contractors. About six thousand sacks had been so detected, and so returned. But it was hardly possible, with the utmost vigilance, to discover every deteriorated sack; and it was probable, therefore, that a great portion of adulterated or inferior flour had been introduced into the consumption of the navy.

Mr. *Hume* could not help thinking that if the Navy Board had given publicity to the frauds, and enforced the penalties, they would have been enabled to obtain good flour in other quarters.

The resolution was agreed to. On the resolution, "That 560,000*l.* be granted to defray the Wages of the Artificers and Labourers employed in his Majesty's yards at home, for the year 1827,"

Mr. *Hume* said, he thought that this and the next item, which was chiefly for timber, and which, added to the present, amounted to 1,500,000*l.*, might be considerably reduced, without injury to the public service. He did not see why we should continue to build very large vessels at an enormous expense. We had now five hundred and nine vessels of all descriptions, three hundred and seventy five of which were what were called sixth rates; and the ships laid up in ordinary were, he understood, never in better condition. If we should be engaged in another war, it was clear that the nature of it would be a good deal changed, and that many of our large ships would not be of so much use as they had formerly been. We ought, therefore, not to put the country to the expense of building large vessels, when smaller ones might be more required. The Americans were much engaged in building ships of the latter description.

Sir *G. Clerk* said, that government were by no means inattentive to the progress which other nations were making in the construction of particular kinds of vessels. When they saw any such vessels built, care was taken that we should have similar vessels to meet them in case of necessity.

Sir *J. Yorke* did not think it necessary that we should continue to build very large vessels, or that we ought, in that respect, to imitate the Americans, who were constructing vessels of such a size that it would require a crew of Patagonian chaps of some eight feet and a half high to navigate them. It had often fallen to his lot to differ from his gallant friend, but he did so most widely on the subject of the experiment made of cutting down a seventy-four, and making it a kind of vessel which he hardly knew how to describe. The upper deck was cut down. The officers were obliged to go down a deck lower, and the men still lower; and in this state, without her proper complement of men, she was sent on a broiling hot station, where the thermometer was generally at ninety-six. This change was made at an enormous expense, all of which came out of the 1,500,000*l.* He also wished to be informed on what principle it was, that such a change was made in several of our cutter-brigs, which were transformed from exceedingly good vessels with two masts, into the worst possible kind of vessels with three masts. He could not see the reason of this alteration, which was about as expensive in its nature, as if the hon. Secretary to the Admiralty, who had great taste in building, should attempt to remove the walls of the Union club-house, in order to stick them up in some other position.

Sir *G. Cockburn* said, that the subject on which the gallant admiral seemed so much at a loss for information was very easily explained. It was necessary to have a proper class of frigates to meet those of other nations. It was well known, that one of our frigates was captured in the late war by a frigate of the enemy; but it was not then generally known, that

the vessel by which ours was taken was so much superior in size and force. The thing was looked upon as the capture of one frigate by another, and a general damp was cast on the public feeling for the time. To prevent a recurrence of any such event, it was determined to have a class of frigates which should be a match for those of any other nation. If the means taken for that purpose were not approved by the House, he would bow to their decision; but he could not assent to the opinion pronounced by his gallant friend, who scattered his attacks to the right and left, without any reflection or knowledge of the subject on which he spoke. The ship of which the gallant officer had given such a description was what it pretended to be, a frigate, and one of the finest in the world. She was one of the smallest class of seventy-four's cut down. A trial had been made of her, and though a short one, it proved that the experiment was completely successful. The seventy-four thus cut down was almost nothing as a seventy-four, and it would have taken an immense expense to put her into proper repair; but the cost of cutting her down to her present size was comparatively trifling. The vessels from which she was selected were not considered worth the expense of repairing, and were called the "forty thieves." The experiment of making first-rate frigates out of such vessels was worth the trial, and had hitherto succeeded. He did not say that such success would be certain in other cases, but he had every reason to believe it would. The admiral who sailed in the vessel on trial, had pronounced her the finest and strongest frigate in the world. As to the cutter-brigs, the gallant admiral opposite had shown himself as little informed as on the subject of the frigate. The fact was, that those cutter-brigs, from the great size of their mainsail, occasioned an immense straining on the timbers abaft the main mast; so that after a voyage, many of those timbers were found to be broken. Besides this, when any of them got into action with a sloop of war, they were, if any damage was done to the mainmast, almost immediately taken. In order to remedy this inconvenience, it was found necessary to alter them, so as to give them three masts. The Admiralty had instituted experiments to learn whether the cutter-brigs or the sloops were the swifter sailing vessels. They pitted each of the brigs into which they had put three masts with one of the brigs in its usual state, and they found that, upon all occasions, the vessel with three masts beat the brig with two. He contended that, instead of spoiling these vessels, they had been made not only better sailers, but much better in action

The resolution was agreed to. On the resolution, "That 881,000*l.* be granted for Half Pay to Naval Officers, for the year 1827,"

Mr. *Hume* said, that with all deference to the hon. member for Wareham, who had told the House, that promotion went on too slowly on the navy, he thought there was too much promotion in our naval service; that it went on much too rapidly; and that it was getting beyond the means of the country to support. The dead weight, instead of decreasing, as it annually ought to do, was increasing under the present system, and seemed likely to continue for ever. He contended that the House ought either to prevent promotion from being granted to more than a certain number of officers, or determine not to give it except to those who had been twelve or fifteen years in the service. Such a change would prevent young men of title and family from being promoted over the head of their seniors, without seeing any thing of actual service.

Sir *G. Cockburn* contended that, from the opinion of the hon. member for Wareham, who thought that promotion went on too slowly, and from that of the hon. member for Aberdeen, who thought it went on too quickly in the navy, it was only fair to presume, that the Admiralty, in steering a steady middle course between the two, was acting with wisdom and moderation. He owned, however, that the Admiralty were more inclined to adopt the view of the hon. member for Wareham, than that of the hon. member for Aberdeen. The captains now at the head of the list had been twenty-six or twenty-seven years in the service; and, supposing they were thirty years old when they attained the rank of captain, they must now be nearly sixty years old. Now, without wishing to detract from their just claims, he thought it only right to keep feeding the service with young officers. In the promotions of the last year, thirty officers had been made captains, who passed their examinations as lieutenants twelve years since. He thought that the House would not

grudge them that promotion. He also defended the expediency of holding out the chance of speedy promotion to the sons of noble and wealthy families as an inducement to them to enter into the navy.

Sir *John Wrottesley* thought, that the system of promotion, which was conducted in the navy upon principles unknown in every other department of the state, was liable to great objection. In the army, no new commission could issue until a vacancy occurred. So in the civil departments of the country, no clerk could be promoted until there was a higher situation vacant in his office. But, in the navy, promotions could be made to any extent, as, in point of fact, though not exactly in point of form, a man might be made captain without having any ship to command. Indeed, a lord of the Admiralty had no limitation, except his conscience, to his power of taxing the country, by promoting inferior officers.

Mr. *Hume* said, as promotion was asserted to be necessary to keep the navy in order, he supposed it would be equally necessary for the marine service; and yet, in one year, he saw two hundred and ninety-four promotions in the navy, and only thirteen in the marines. From 1816 to 1826 there had been only seventy-six promotions in the whole marine service.

The resolution was agreed to.

HOUSE OF COMMONS.
Tuesday, February 13.

CORN-LAWS.] Sir *E. Knatchbull*, in presenting a Petition against any alteration in the Corn-Laws, took occasion to ask the right hon. Secretary opposite in what mode government intended to proceed, in bringing forward the question. He expressed his deep regret that the consideration of it had been so long postponed; for, if the right hon. Secretary for Foreign Affairs was too unwell to bring it forward speedily, it might have been done by the President of the Board of Trade. The subject was of the greatest importance, and the public mind was intensely interested in it. If the matter should, however, be brought forward at the time announced, he wished to be informed what was the course which the government meant to adopt? Did they intend to proceed by bill? or was it their intention to refer the matter to a committee of the whole House?

Mr. Secretary *Peel* said, that although he must decline giving any answer as to the nature of the measure which government intended to submit to the House, he had no objection to say that the course of proceeding which it was at present intended to adopt was, to move resolutions in a committee of the whole House, which resolutions would contain the plan in detail. If these resolutions should be agreed to, then the intention was, that they should be printed for the use of the members, and be re-committed on a future day, that gentlemen might have an opportunity of giving this important subject the fullest possible consideration.

NAVY ESTIMATES—IMPRESSMENT OF SEAMEN.] Sir G. Clerk brought up the report of the committee of supply on the Navy Estimates. On the resolutions being read,

Sir *John Newport* said, he was desirous of adding his voice to those which had already been raised in that House against the present system of impressing seamen. He should never be convinced that, in this country, there was not a power to call a sufficient number of men into service whenever it might be necessary, without the exercise of that which he considered absolute tyranny. It had been shown, again and again, in that House and in numerous publications, that such means did exist; and he believed in his conscience, that until the tyrannous system to which he objected should be done away, it would operate as a drawback upon the desire which men would otherwise evince to enter the service. The consequence was, that they would be driven to other countries; and the experience of the late war with America had shown the mischievous consequences of having the enemy's ships manned and fought by British seamen. He hoped the subject would engage the serious attention of those who had the care of the British navy. The expense which it might occasion was of no consequence. He should never cease to bear testimony to this abominable hardship; and he wished that, as his voice had been raised in the earliest part of his parliamentary life against this system, so his latest effort—which could not be far distant—might be directed to rescue the men who were properly called the bulwarks of their country, from the tyranny to which they were exposed.

Mr. *Warburton* was of opinion, that if the question were put to the merchants and ship-owners, whether the system of impressment were injurious or otherwise. they would, one and all, protest against it, The shipping interest was materially affected by it; for what could be a greater hardship on the part of the owners, than that the men who worked their vessels should be taken out of them, after perhaps a long and hazardous voyage, on their arrival in the chops of the Channel? The whole system of impressment was degrading to the country, and destructive of that free spirit for which British seamen were distinguished. He was sure that the people of Great Britain would sooner submit to additional taxation, if no other means could be found by which the system of naval impressments might be abolished.

Sir *George Clerk* contended, that the view which hon. members seemed to take of the system of impressment was founded on erroneous reasoning. It was only in cases of peculiar emergency that this mode of raising men for the service was resorted to. A sufficient supply of seamen could always be had, without having recourse to the system complained of; but the House should bear in mind, before it insisted too strongly on its abolition, that there were circumstances in which it might be necessary to require a fleet to be manned with extraordinary despatch; which could only be accomplished by resorting to impressment. The hon. member had talked of the hardship of taking men from merchant ships on their arrival in the Channel; but, would not the merchants have much more cause of complaint, if government had not provided the means of defending their shipping from the enemy? It was to be hoped that the system of impressment would be so modified, as to strip it of its grievances; and that the liberality which the country had displayed in bestowing pensions on those sailors who had served their country would have the effect of making the service less irksome. He thought it wrong, however, to insist too strongly on putting an end to impressment altogether, particularly when it was considered that the salvation of the country might depend on the celerity with which we could command a navy.

Mr. *Lombe* conceived that there must be something wrong in the system pursued by our navy, otherwise the sailors employed in the service would not be so prone to desert to other states. From the king's packets that plied to New York and Halifax, several desertions had taken place, which could only be traced to something faulty in the management of that service.

Sir *G. Clerk* replied, that the greater part of the packets alluded to were hired vessels, the crews of which were not under military law. The removal had taken place in consequence of the great length of time which the vessels were detained at New York. Their men had not deserted into the American navy, but had been induced by high wages—a dollar a day—to work at unloading the ships in the harbour.

Mr. *Hume* wished to state the result of the inquiries which he had made on the subject. It was generally admitted, that the service of the navy was less laborious, and that the men had less labour, better food, better regulations, and more advantages, than in the merchant service. They stated, that it was not the inferiority of the wages to the wages in the merchant service of which they complained, for that was compensated by pensions. Thousands of seamen had been examined, and they one and all declared, that their aversion to the service arose from the discipline to which they were subjected. That such discipline was unnecessary had been proved in various cases. In the Bulwark of 74 there had not been a single corporal punishment inflicted for eighteen months. The seamen were dissatisfied that a commander had it in his power to order the infliction of a summary punishment which degraded the individual for ever, and that there was no redress. To impressment they did not object on an emergency. But they objected to being torn from their families by impressment, and then kept in the service for life. Whenever the urgency of the public service required it the seamen had no objection to take their turn; but they wished for the establishment of some regulation to prevent their being detained after the emergency had ceased to exist. One great objection to impressment was the expense which it occasioned in tenders, &c.; for the moment a sailor was pressed, he became a prisoner, under a guard, and was divested of all the rights of an Englishman. He was satisfied that the number of desertions which took place during the late war, in consequence of the dis-

satisfaction of the seamen, counterbalanced the advantages of impressment; except on one or two emergencies. In behalf of the seamen of England, he protested against their being exposed to a degrading punishment. He intreated those who had the power to introduce an amelioration of the system, to consider, whether it would not be much better to have the fleet manned by volunteers, by men attached to the service, who might be allowed to go on shore without being guarded by officers, from fear of their desertion. The system of punishment ought to be regulated; he would not say abolished, because there were cases in which it was perhaps indispensable. But the objection was to the arbitrary manner in which the punishment was sometimes carried into effect, at the pleasure of an individual who had scarcely arrived at the years of discretion. Many officers were in command whose experience had not taught them the forbearance and self-rule necessary in such a station. In fact an officer on shore, and the same officer on board ship were frequently as different men as it was possible to conceive. When on shore an officer knew that he must govern himself by the rules of society; but when on board, being free from all control, he too often conducted himself in the most arbitrary manner. Man in every situation, and under all circumstances, required control. Unlimited and irresponsible power would always be abused. When boys who were bred up to the sea were daily witnesses of a system of arbitrary authority on the one hand, and of passive obedience on the other, it was not wonderful that, when they themselves became commanders, they should assume despotic power. It was by no means, however, his wish to throw any general censure on the officers of the navy. All he maintained was, that the natural disposition of man to tyrannize over his fellow creatures ought to be as much counteracted as possible. If the Admiralty took steps to effect so desirable an object, they would never want seamen to man our ships. Comparatively speaking, few able seamen were necessary in a vessel. If, out of one hundred thousand men, thirty thousand were able seamen, the ablest officers who had written on nautical subjects agreed that the proportion would be sufficient.

Sir *Byam Martin* utterly denied that the naval service was unpopular. As a proof of it, the last ship that was put in commission, the Asia, of 80 guns, in three weeks obtained three hundred and seventy volunteers, and in five weeks completed her complement. An hon. member had observed, that the packets had been withdrawn from New York, because the apprehension of punishment induced the men to desert. Now the fact was, that in the whole of the packet service of last year, there had been only three punishments. It was quite untrue that the naval service was unpopular.

Sir *J. Newport*:—That, then, is an additional argument against the necessity of impressment.

Sir *C. Forbes* said, he had heard, that such was the desire of the men engaged in the shipping of the East India company to enter into his majesty's service, that the court of directors had made application to the Admiralty to prevent it. He was one of the last men who would stand up for unnecessary punishments at sea or on shore. He had known some instances of excessive punishment on board ship, which he would not particularize; because, happily, there was an end to such tyrannical proceedings. It was due to lord Exmouth to say that he had introduced regulations on the East India station, which had since been adopted in the whole navy. It was now no uncommon thing for a man of war to make a long voyage, without the occurrence of a single punishment. Had such a circumstance ever taken place on board an Indiaman? If punishments were complained of on board men of war, how much more objectionable must they be on board merchant-ships. But in some cases they were absolutely necessary. If the punishments on board men of war, and the punishments on board merchant-ships were compared, the latter would be found to be the more excessive. The condition and treatment of the sailor on board of a king's ship had of late years been considerably improved; and his majesty's service was now looked to by seamen as most desirable. With regard to impressment the judicious application of a bounty would always ensure a supply of volunteers for the navy, without resorting to a measure which was generally condemned. Bounties were given to induce soldiers to enter the service; and why should they not also be offered as an inducement to man our fleets? Much as

we depended on our gallant army in case of war, our chief dependence must of necessity be placed in our navy. He would then say, give double, or even treble bounties to secure a sufficient supply of those brave fellows, on whom the salvation of the country might mainly depend. He was quite sure that the nation would not grudge the additional expense.

Mr. Alderman *Wood* urged the necessity of introducing some regulations respecting impressment, and adverted to various regulations on the subject, which had been adopted by the Corporation of London during the war.

Sir *E. Owen* contended, that no men were punished on board ship who did not misbehave themselves, and that sailors were never put in irons except in cases of gross misconduct. Gentlemen, in debating upon this subject, argued upon exceptions just as if they were rules. Whenever the infliction of severe punishment came to the knowledge of the Admiralty, investigation was ordered into the circumstances which had occasioned it, and if they were not deemed adequate, the officer ordering the infliction was visited with severe reprehension. He denied that the punishment inflicted in the navy degraded the character of the men. Sailors often admitted the justice of the sentence, after it had been carried into execution. Not only the offence, but the previous character of every man was considered, when he was brought up to the gangway. He would venture to say, that when offences committed at sea were to be punished, the captain being the only indifferent person on board, was the person best qualified to judge of the degree of punishment which ought to be meted out. The offences ordinarily committed by sailors were either against their officers or against each other. If, then, the offenders were to be tried either by their officers or by their comrades, they must be tried by the very parties whom their misconduct injured. As a proof of the evil consequences likely to arise from placing the punishment in the hands of the officers, he stated that whilst he was captain, he had felt himself called upon, in almost every case where a man had been tried by court-martial, to diminish the punishment which it inflicted, by full three parts. Much had been said of impressment; but he was convinced that no pecuniary reward would be found an adequate substitute in case of emergency. It was a great mistake to suppose that the king's service was unpopular, it was a gross libel on the British navy to say that the sailors liked the American service better than that of their own country. There had been some instances of desertion to the Americans during the war; but they were very few. He believed that sailors had not that objection to impressment which was commonly supposed. On one occasion a number of men who had been pressed were brought to his ship. The moment they got upon quarter-deck, instead of murmuring at their fate, they said, "You have got us captain; and as you have us, we will enter."

Mr. *Fyler* contended, that impressment was not only contrary to the spirit of the British constitution, but a disgrace and opprobrium to the British nation.

The resolutions were agreed to.

HOUSE OF LORDS.

Wednesday, February 14.

CATHOLIC EMANCIPATION.] The Marquis of *Lansdown*, on rising to present the petitions of which he had on a former evening given notice, said, he had thought it right, from the respect due to their lordships, as well as to the petitioners, to give notice of his intention to present them that day; but he did not, therefore, mean to go into any discussion of the general question relative to the Catholics. He felt it, however, to be his duty towards the petitioners to state, with respect to the first petition—similar petitions to which had frequently been under their lordships' consideration, and which was the petition of the Roman Catholics of Ireland—as well as with respect to the second petition, which was then, for the first time, presented to their lordships, and was from the Roman Catholic Bishops of Ireland—that he had read them both very carefully, and he could assure their lordships that there was not one expression in them disrespectful to their lordships; he would say, not only not one disrespectful expression, but not one expression which any noble lord, the most hostile to the petitioners' claims, could construe into disrespect to their lordships. He was sure their lordships would never find it disrespectful in any class of his majesty's subjects, to come forward, and state explicitly and plainly the claims they might have, on account of services already rendered, or of services they were disposed

to render—claims which, he thought, were not only the privileges of every subject of this realm, but which it was their duty to make—that, for these services, they might receive that proper reward, which was to be found in a full participation in all the rights and privileges enjoyed under the constitution of this country. The petitioners first stated plainly and clearly, the privations to which they were exposed by the law; after which, they proceeded to point out the indirect privations which the privations imposed by the laws brought on them, and to which the laws did not intend to subject them. They then proceeded to state that these privations, existing only for one class of the king's subjects, exposed them to be marked by their fellow-subjects, and thereby placed a bar between them which ought not to exist. Having stated thus much, he would not enter further into the merits of the question; but he could not avoid calling the attention of their lordships to two circumstances connected with the petitioners. He meant their numbers and their property. Their numbers must have been known to their lordships on former occasions; and though he would not take on himself to assert that they were now much more numerous, yet he was sure, if their numbers had not increased, they had not diminished. But, if they had not increased in numbers, he had no difficulty in stating, that, in respect to property, there had been a very material alteration since they first petitioned their lordships. They had acquired much more wealth, and possessed now much more property than formerly. Nobody knew better than he did, the fallacy of all statistical statements, which were not verified by official documents; but he could state—and he believed every noble lord who knew any thing of Ireland would confirm the statement—that the property of the Catholics, both moveable and immoveable, was increasing in almost every part of Ireland. It was at present greater than at any former period, and was rapidly increasing. With that property their power had increased, both directly, and from that influence which property always gave. The power thus acquired could not be allowed to occupy a neutral space in the political course of the country. If properly brought into harmony with the settled current of our social system, we should derive from it, inevitably, all that increase of national power and of wealth which it was calculated to give; and if not, instead of finding it a source of happiness, union, and strength, it would bring on mischief and destruction.—He had mentioned these changes, as he thought them worthy of their lordships' consideration, when the question should come before them at a future time. Thus much he had on this occasion thought it right to say; because, in presenting the petitions with which he was intrusted, he wished to clear himself with respect to his duty towards the petitioners, and because he also wished, when he should hereafter come to submit a substantive proposition, founded on those petitions, to their lordships, of which he should that day give notice, he might be enabled to argue the question not as the representative, which he was not, of any particular body of men, but on the grounds of public and national interests; namely, in connexion with Protestant interests, a Protestant church establishment, and a Protestant throne. He should then submit to their lordships those considerations which, in reference to all these subjects, induced him to think, that they ought to adopt the resolution which he intended to propose, and the effect of which would be to admit Roman Catholics to a full participation in all the blessings of the constitution. If their lordships should think fit to express their dissent from the course which he would propose, he hoped that those who might differ from him would as plainly and explicitly as he should do, point out what course they meant to pursue for the political improvement of Ireland; because, until he heard it declared, he never could believe that any one person in that House would say, that the political condition of Ireland ought to remain as it now was.—On the motion of the noble marquis, the petition was read, and laid on the table. He next presented a petition from the Roman Catholic bishops of Ireland. If their petition was read, their lordships would, he said, perceive that the motives of those respectable persons in now coming forward for the first time, was simply that they might be enabled to state to their lordships the opinions they entertained with respect to certain controverted points, and to repeat their assurance of their zealous disposition to contribute to the peace of the country. Nobody who knew that country but would admit, that without the unwearied and unremitting endeavours of the Catholic clergy to preserve the peace

of the community, tranquillity could not at any time exist.

On the petition being read, it was withdrawn, on account of an informality; the signatures being on a detached sheet of paper.

The Marquis of *Lansdown* then gave notice, that on the 8th of March, he would submit to their lordships a proposition founded on the petitions he had presented. It was probable that before that day the subject would be discussed in another place. But, whatever might be the result of the discussion which might take place elsewhere, he would move the resolution of which he had given notice. He was the more anxious so to do, because the responsibility of not bringing the question forward during the last session, attached more to himself than to any other individual.

The Earl of *Winchelsea* rose, not to reply to the arguments of the noble marquis, but for the purpose of expressing his own sentiments. He sincerely trusted that, before their lordships admitted the Roman Catholics to a full participation of civil rights, and thereby opened to them a road to high situations of political trust—before their lordships attempted to repeal the test act, and to separate the church from the state, they would carefully consider the grounds on which, by the wisdom of their ancestors, such disabilities had been imposed. He felt no small gratification, that when the question of the Catholic claims should again be brought forward, it would appear in a very striking and new point of view, with respect to the reformation which had been begun in Ireland, and which he trusted would proceed. He sincerely hoped that their lordships would direct their attention to the political power which the Roman Catholic priests had lately exercised over their flocks—a power which had created a just alarm. He also sincerely trusted, that their lordships would never abandon that constitution under which that House and all the institutions of the country existed, from any subserviency to public clamour, or any views of political expediency.

Lord *Clifden* could not say how the reformation to which the noble lord had alluded might be going on; but he sincerely hoped, that all the Catholics might become Protestants, and he thought that the most likely means of accomplishing that object was to do away with those exclusive laws which oppressed them. The noble lord had talked about danger to the constitution. He could not see that any danger would arise if three or four members more should take their seats in that House, or if there should be thirty or forty Catholics in the other House of parliament. With respect to reformation, that could only be expected, from ridding the Statute-book of those exclusive laws. If he had been born a Catholic, and had afterwards become a Protestant, as he sincerely was, he should have taken the liturgy of the church of England in his hands, and gone into his apartment to pray twice a-day, but taking good care to lock the door. He would have used such secrecy, not because he was a hypocrite, but because he could not have borne to be separated from his own people, or to have it said of him, that he turned from his religion from motives of interest. This was what would have passed in his mind upon the subject of conversion; and he had no doubt it was what had passed through the minds of many others. Therefore, without the abolition of the disabilities under which the Catholics laboured, no reformation could take place. The noble earl congratulated himself on that reformation, and seemed to have no doubt of its continuance; but "Rusticus expectat, dum defluat amnis." He wished to point out, too, what he had on a former occasion alluded to; namely, the danger which would attend this country in the event of a war with France; and we were as near a war as possible. Had Villèlle been turned out of the ministry, the king of France, who was said to be a poor bigot, though he knew nothing about him, would have been in the hands of the apostolicals, who would have made every effort to oppose the views of England; and if we had declared war against France and Spain, the question of the right of search would have arisen, which would have involved us in a war with America. He begged noble lords to consider the situation in which this country would have been placed, with France, Spain, America, and Ireland too, at war with us.

HOUSE OF COMMONS,

Wednesday, February 14.

Colonel Bradley's Case.] Mr. *Hume* said, that he had, on a former occa-

sion, presented a petition from colonel Bradley, complaining of his dismissal from the army, without having been allowed to make any defence, and other matters, and he had moved for certain papers to substantiate the allegations of the petition, which the noble lord had thought proper to refuse; but, on the following day, he had brought down to the House the commission from general Fuller, under which major Arthur had acted in the steps which he had taken against colonel Bradley at Honduras, for the purpose of justifying the conduct of the government in its proceedings against colonel Bradley. But something more was wanted to bring the matter clearly to light; and he therefore wished now to call for additional documents. The hon. member then moved for the said papers.

Lord *Palmerston* said, that the hon. member had twice before brought the case of colonel Bradley's dismissal from the service under the consideration of the House. On both occasions, he (lord P.) had stated to the House the grounds on which the military advisers of the Crown had recommended his majesty to dismiss colonel Bradley. The facts of the case were these: colonel Bradley had taken upon himself to question the military command exercised by major Arthur, at Honduras, and not content with submitting his doubts to the authorities competent to solve them, he had chosen to solve them himself, and by his own act deposed major Arthur. This was considered to be an act of mutiny, which it was quite impossible could be passed over. The military advisers of the Crown had founded their opinion of the propriety of removing colonel Bradley from the service, not on the representations of major Arthur alone, but also upon colonel Bradley's own representations, contained in his letters to the commander-in-chief. Colonel Bradley, however, not contented with the decision to which the advisers of the Crown had come, carried the case into a court of justice. He had rested his case there, on the ground that he had been illegally confined by major Arthur, inasmuch as he possessed no competent military authority to confine him. It would be perceived, that the case, in the court of law, did not rest on the same grounds as those which influenced the military advisers of the Crown; for the propriety of colonel Bradley's conduct was not a question before the court. The only point before the court was, whether major Bradley did or did not possess the military power which he exercised. That he did possess that power, was proved by the production of the military commission granted to him in 1814, by general Fuller. The court being satisfied on this point, decided that the arrest of colonel Bradley by major Arthur was legal; but the court being also of opinion that the arrest was continued longer than necessary, advised the jury to that effect, and they in consequence, on that ground, gave colonel Bradley damages to the amount of, he believed, 100*l*. When the question was last discussed in that House, the hon. member for Aberdeen stated two things: first, that the military commission produced in the court of law was a fabrication; and, secondly, that major Arthur had not alluded to that commission, in a letter written by him in 1820. He (lord P.) had contradicted those statements in the most positive terms. He might, perhaps, have allowed the case to rest there, being inclined to suppose, that the House would at all times be disposed to give credit to a person holding an official and responsible situation as he did, for speaking the truth; but he thought it would be more respectful to the House not to allow the matter to rest on his assertion only, and therefore, on a subsequent day, he had produced copies of the military commission and the letter of major Arthur, dated the 27th of May 1820, in which he alluded to the commission. The commission itself was in the possession of major Arthur's legal adviser; but of its existence he thought no person could doubt, any more than that he was then speaking within the walls of that House. He was at a loss to know on what ground further papers were now moved for. The question as to whether the Crown was properly advised to dismiss colonel Bradley had been twice discussed, and the House had decided in the affirmative. On that point he saw no ground for calling for further papers. There was another question personal between himself and the hon. member, as to who was correct in the assertions they had respectively made, he declaring the existence of documents, and the hon. member denying it. He contended, that the papers which he had laid upon the table were as conclusive a proof as could possibly be, of the

existence of those documents. If the hon. member should persist in saying that the documents were not in existence, he would say nothing more on the subject, but leave it entirely in the hands of the House.

Mr. *Hume* denied that he had fallen into any such error and confusion as the noble lord had stated. This was a case of the utmost importance in a general point of view, and was, therefore, of much more consequence than if it applied to colonel Bradley alone, although one could not but be sorry that a deserving individual should have been so used. There were three or four questions connected with this subject, which deserved the serious consideration of this House. The first was, whether the Crown really possessed the prerogative which it claimed of dismissing officers of the army in this summary and arbitrary manner. The second was, whether his majesty had, under any act of parliament, the power, by himself or his officers, to grant commissions of that nature; and if they were granted, whether those who received them were not still subject to the articles of war? The military commission from general Fuller to major Arthur, was the one produced in the court of King's-bench; and the court certainly had held, that it was a sufficient authority to colonel Arthur for acting in the manner he had done. He did not deny the existence of this commission. What he said was, that a person receiving such a commission was still bound, by the articles of war, to exercise it according to the rank and seniority which he held in the army, and that he was still subject to his superior officers. This was a case provided for by a section of the articles of war, and this was a point which was required to be established by one of the papers now called for. This was quite distinct from the question, whether the commission itself had been granted by general Fuller. In giving a commission, it was impossible that he should have the power of giving a commission contrary to the king's commission, which colonel Bradley had in his pocket, and which required him to act according to his rank and seniority. When general Fuller granted the commission to major Arthur, he could only grant it to be exercised subject to the articles of war, and the question was, whether general Fuller's commission was to be considered as paramount to that of his majesty? It had been stated, that major Massey, a senior of major Arthur, had obeyed major Arthur on that occasion. In answer to this, he had a letter from major Massey himself, in which he denied that statement. When major Arthur arrived at Honduras, major Massey and major Smith, who had both leave of absence, resigned their commands, and never acted under major Arthur. It was further stated, that major Arthur had applied to major Massey, to ascertain whether he would sit on a court martial; to which major Massey had replied, that if the garrison was in danger, he would act, but then he would take the command, and direct major Arthur to take such steps as he might judge necessary, under the existing circumstances. But, had major Arthur ever thought of putting major Massey under arrest for this? No such thing. Then it was to be considered, that the regiment to which major Arthur belonged had been disbanded about this time, and that major Arthur had been reduced to half pay, and then became a mere private individual, and had no commission from his majesty to supersede his superior officers in rank and seniority. How, then, could colonel Bradley attend on a court martial under major Arthur, and obey the orders of major Arthur in proceeding against his government? What superior officer would like to submit to his inferior in a point of that kind? Colonel Bradley had applied to major Arthur, to know, whether he was aware that his corps had been reduced, and that he was no longer an officer in the army? No answer was returned to this. Major Arthur was then desired to show his authority; but none had been shown. The commission, such as it was, had not been published; and the fair inference was, that there had been no such commission granted. He further contended, that neither the duke of Manchester, nor the king, had any authority to grant such commissions, against the authority of an act of parliament. Besides colonel Bradley had been kept in custody for ten days after major Arthur's commission had expired; and afterwards colonel Bradley had been dismissed the service without any opportunity of being heard in his own defence. Colonel Bradley had acted as any superior officer ought to have done in such a situation; and it was only because he was conscientiously anxious to procure justice for an oppressed individual, that he wished to

have this case undergo the fullest investigation. Colonel Bradley had been for twenty years in the army, and, during fifteen of these had served in the West Indies; and, whatever acts he committed which had the appearance of insubordination, were owing to major Arthur himself, who had not published his commission. It was extremely hard, then, that colonel Bradley should be thus condemned merely on the assertion of ministers. When colonel Bradley came home, he commenced his action in the court of King's-bench against major Arthur, who was defended by the Crown lawyers, at the expense of the Crown. It had been there held, that the commission was sufficient; but he could not help considering that as a mistake of the learned judge. Still, however, colonel Bradley had a verdict in his favour; but major Arthur had been hurried off by the ministers to Van Dieman's Land, as governor; so that colonel Bradley had not even an opportunity of procuring his damages or expenses, which still further diminished the slender means which had been left him, and increased the injustice which had been done him: and he had now only to hope that the House would do him justice.

Mr. Secretary *Peel* said, that it had at last become necessary that this question should be brought to some termination. Since it had been before the House, it had changed its shape so materially, that he would in the first place, briefly call the attention of the House to the different grounds on which the case had been argued. Originally, it was represented by the hon. gentleman, that the whole question was, whether any commission existed that justified colonel Arthur in assuming the military command of Honduras. His noble friend asserted, in the most positive manner, that there was a commission of that nature in existence. The hon. gentleman expressed a strong suspicion, that the commission, if any existed, must have been a fabrication. This statement was certainly one of those which approached the extreme limit of debate. To the positive assertion of a nobleman holding the responsible office of Secretary of War, he felt that he could not but give implicit confidence. The fact, however, was soon placed beyond all doubt. The commission itself was produced; and it then further appeared, that it was signed by general Fuller in 1814, and had the effect of devolving the military command of the colony upon colonel Arthur. The hon. gentleman opposite, on the production of this document, shifted his ground. He no longer denied its existence; but he contended, that the commission was not properly worded, and therefore that it did not entitle colonel Arthur to take the command upon himself. The hon. gentleman denied that the commission gave colonel Arthur authority to assume the military command; yet, what were the words of the commission? It empowered colonel Arthur to take the command of all the armed persons in the settlement. But the hon. gentleman insisted, that this was not explicit enough to warrant colonel Arthur in taking the command of the king's troops. They, he maintained, were not included in the general terms used in the appointment: the commission should have stated distinctly, that colonel Arthur was to have the chief military command in the colony. That was the question at issue between the parties, and it was upon that question the court of King's-bench had to decide when the case was under consideration before that tribunal. The whole inquiry turned upon these points: "Was it a legal commission? Did it entitle colonel Arthur to take the command, not only of the local militia, but also of the king's troops?" The question was clearly settled, in the lengthened argument of lord chief justice Abbott. Having referred to the acts of parliament relating to the subject, and all the official documents which had been produced on the trial, the lord chief justice gave it as his opinion, that the commission, in point of law, did fully warrant colonel Arthur in taking the command of the army in the settlement of Honduras. Mr. Justice Bailey assented entirely to the views of the lord chief justice, and Mr. Justice Holroyd was of the same opinion. Mr. Justice Littledale, who was present, intimated no dissent from the judgment delivered by the court. But there was another objection to colonel Arthur's authority. His regiment had been disbanded; and upon that fact arose the question, whether it did not invalidate the commission granted by general Fuller. Upon this point also, the opinion of the judges of the court of King's-bench was given; and it was expressly stated, that so long as colonel Arthur remained a half-pay officer, he was as well entitled as ever to hold the commis-

sion granted by general Fuller. The judges had no doubt that the mere tenure of his regimental rank made no difference whatever with regard to his right to the command. If the House, then, were satisfied that the commission was in existence, and had confidence in the judgment of the four judges of the King's-bench, they must be satisfied, that, as to every question of law and fact, colonel Arthur was fully justified. Such being the state of the case, he hoped the House would concur with him in resisting the production of any more papers respecting it.

Mr. *Bernal* stated that, in his opinion, the principal point was one which the right hon. gentleman had overlooked; namely, whether general Fuller had legal authority to grant the commission in question to any officer. It would be seen, by reference to the report of the trial, that the judges did not sufficiently advert to that point. The judges alluded slightly to some evidence that there had been a recognition of a local kind, as to some authority possessed by general Fuller to grant a commission of this nature. But surely it was too much that, in 1825, any uncertainty at all should exist as to so material a point. The judges shrunk from the question, instead of entering into it boldly and manfully. It was their duty, he conceived, to state expressly, whether the Crown had authority, by martial law, or by the ordinary Statutes of the land, to delegate to its commanders abroad, the power of granting commissions, like that given by general Fuller to colonel Arthur. He also thought that it was equally the duty of the right hon. gentleman to elicit from legal authority, the fact, whether such a power was possessed by the Crown. This, he trusted, was not too much to expect in 1827. On the face of the report of the trial, the point had evidently been blinked. Besides, the words of the commission in this case did not give authority to colonel Arthur to command the regular forces. The case of colonel Bradley was altogether one of great hardship, and he would take the liberty of advising the right hon. gentleman to represent it in the highest quarter, as one well deserving of redress.

Sir *H. Hardinge* said, he had not the slightest doubt as to the point adverted to by the hon. gentleman. It was a great absurdity, surely, to argue, that if any military officer commanding in chief, in the West Indies, for instance, or any officer holding the second command, should die, there should be a sort of interregnum until an appointment to fill the vacant office could be received from England. It would otherwise be impossible to carry on the military government of the colonies. It had been always the custom for the governor to appoint a successor to the command *pro tempore*, subject to his majesty's future approbation; and that that appointment was valid to all intents and purposes, until his majesty's sanction or disapprobation was received. In this case it was certain that his majesty did sanction the appointment of colonel Arthur. From the year 1814, when he was appointed, the Secretary of State regularly kept up an official intercourse with him, and thereby sanctioned his appointment. The same practice had been constantly followed in every colony belonging to this country, in every part of the globe. Nothing could be more awkward—no precedent more dangerous—than such a rule as the hon. gentleman who spoke last sought to institute. The judges of the King's-bench had no doubt as to the state of the law. They gave their opinion upon it in distinct terms. Lord chief justice Abbott said, expressly, that, "as to the second point, affecting the validity of colonel Arthur's commission, it was for his majesty to determine afterwards whether he would approve of the appointment made by general Fuller, as to the military command of Honduras. According to the facts in evidence, it appeared that his majesty had given his sanction, as colonel Arthur was officially acknowledged and treated as having been duly appointed." There could be no doubt, therefore, as to the approbation, or sanction, of his majesty. The only doubt on the trial was, whether a half-pay regimental officer could hold a staff appointment. He had given his opinion in the affirmative. Any officer receiving pay was, by military law, competent to command. Colonel Arthur did not receive his pay as he might, as a colonel on the staff, merely as a matter of economy, colonel Arthur received the salary of the office of civil superintendent, which he held as well as that of military commandant. There could be no question as to the right of a half-pay officer holding a staff appointment to assume the command. In this very capital, the major of the Tower was a half-pay captain. He was responsi-

ble for all the military duties of the place, and a captain, marching in with a battalion could not command there. The major might be tried by a court martial, though he was regimentally on half-pay. The case, therefore, was perfectly clear. He was desirous that colonel Bradley, as an old and a brother officer, should be treated with forbearance. To such treatment he was entitled, by his services and by his misfortunes. But his case was not such as to call forth any expression of the opinion of that House. It would be the height of danger to allow military officers, in distant colonies, to take the authority from their superior officers, from whatever well-intentioned mistake such conduct might proceed. He meant nothing harsh to colonel Bradley personally; but he could not refrain from saying, that when colonel Arthur desired him to attend at the government house, and meet the other officers there, in order that colonel Arthur might then state the whole grounds on which he had assumed, and would maintain, the military command at Honduras; and when colonel Bradley, instead of acceding to this reasonable request, issued contrary orders to the officers, calling upon them to meet him at his quarters at the very time appointed by colonel Arthur for the meeting at the government house, it was impossible to imagine any line of conduct of a more dangerous tendency. Colonel Arthur had shewn a sincere wish to make colonel Bradley acquainted with the grounds on which he exercised his command. Colonel Bradley, however, not only refused to listen to colonel Arthur's statement, but issued contrary orders, calculated to lead to the most mischievous results. He therefore approved of the proceedings which had taken place. The only thing he regretted was the misfortunes of the individual.

Mr. *Hume* made some observations which were not distinctly audible, and was interrupted by

Lord *Palmerston*, who wished to inquire whether the hon. member, in stating, that assertions had been made in that House which were not founded in fact, meant the observation to apply personally to him.

Mr. *Hume* said, that what he meant to convey was, that assertions having been made in that House which were not founded in fact, he had rather rely on authenticated documents than on any such assertions.

Lord *Palmerston* repeated his inquiry, whether the hon. member's allusion was meant to apply personally to him.

Mr. *Hume* said, he did not conceive that the noble lord was entitled to any courtesy from him; inasmuch as the noble lord had, on a former occasion, said he did not conceive himself bound to answer any question put by him, although he was ready to satisfy the House. The noble lord had no right, therefore, to expect any courtesy from him, after having on that occasion so notedly declined acting as a gentleman. [Cries of "Order, order."]

The *Speaker* said, it was the duty of the person who occupied the situation in which the House had done him the honour to place him, to take care that whatever irregularity hon. members might be betrayed into in the warmth of debate, should be rectified, and that any expressions which might be disrespectful to the House, and painful to the feelings of individual members, should be explained and retracted. He had understood the hon. member to say, that all he intended to convey by his observation was, that authenticated instruments laid before the House were better evidence than any assertion that could be made in that House, inasmuch as those assertions might be founded upon the particular construction put upon these documents, or the particular inference drawn from them by the persons who made the assertion. If such were the meaning of the hon. gentleman, no imputation was cast upon any individual in that House; and all that could be inferred from the hon. member's observation was, that different persons might form different judgments of the same document. Such an explanation must, he was sure, be satisfactory to the noble lord, although it was evident that the noble lord did not, in the first instance, put the same construction upon the hon. member's meaning as he (the Speaker) had done. With respect to the last observation of the hon. member, he was quite sure that the hon. member must himself feel that it was highly disorderly; and he was satisfied that the hon. member could not have deliberately intended to make it.

Mr. *Hume* said, he had been a long time in the House, and had endeavoured never to use language which might be unbecoming in him, or irregular as to the forms of the House. It had often been

his lot to bring before the consideration of the House subjects which might be disagreeable to many persons; but he had always tried to do it in a manner which should be as little painful to the feelings of others as possible. He had, however, no hesitation in saying, that in the reply which he had made to the inquiry of the noble lord, he intended to return the same conduct which the noble lord had displayed towards him on the occasion to which he had already alluded. If he had been wrong in doing so, he was sorry for it. A want of courtesy on the part of the noble lord, was the expression which he should perhaps have adopted; and in using that which he did, he was ready to admit that it was not what he exactly meant, nor perhaps that which he ought to have used.

The motions were then negatived.

Writs of Right — Dower.] Mr. *Shadwell* rose, pursuant to notice, to move for leave to bring in a bill relative to the landed interest of the country, and to what he conceived to be a grievous imposition on their property. The object of the proposed bill was particularly as to the duration of time within which Writs of Right, or real actions, as they were called might be brought, after the period by which the ordinary remedies were limited had ceased.* A principal ingredient in the comfortable enjoyment of real property was a secure and unassailable title; but the effect of a writ of right being practically to hold that enjoyment in jeopardy for a great number of years, it was found necessary, at a very early period of our history, to abridge the period within which this writ could be sued out. The first act of the legislature in which they were mentioned was the statute of Merton, made in 1236, in which it was enacted, that no such writs should be brought for causes which had occurred since the reign of Henry 2nd, that was since the year 1185. In the revolution of time, this period of forty-six years was extended, and, by the first statute of Westminster, made in the first year of Edward 1st, that was in 1275, it was re-enacted that no writ of right should be brought where the cause of action had arisen since the reign of Richard 1st, or 1199, thus making the period of limitation seventy-six years. The law then remained unaltered until the 32nd Henry 8th, when, in 1540, it was enacted, that no writs of right should be brought after a period of sixty years. From that time to the present, the law had remained the same. In the reign of James 1st, a limitation had been made to other actions, but this was not included. Now, the practical result of this was, not that persons having just claims possessed any greater facility of enforcing them, but that persons who fancied they had claims, and particularly those in the lower classes, were led to indulge hopes wholly without foundation, while the possessors were exposed to serious inconvenience, because they were unable either to sell or mortgage their lands, unless they could show an undisturbed title for a period of sixty years. The bill which, if he should obtain leave, he should have the honour of proposing, would have the effect of limiting this period. He wished to state, that this was no new idea of his, but had been proposed to the House, in 1783, by the late lord Kenyon, and had passed through the committee of the House. With a few alterations the present bill was the same. It was true, that the bill did not succeed then, but that was no reason why it should not succeed now. A greater spirit of inquiry and research was abroad, a spirit of reform in all useful matters was now cultivated by all classes of persons, and especially by the two Houses of Parliament. There was now no longer that stiff adherence to ancient forms and rules, merely because they were ancient, which existed when lord Kenyon brought forward his measure. At present, a title to be recoverable at law, must be what was called a legal title; but when the estate was vested in trustees who had the legal right, while another person was the beneficial owner, that could only be vindicated in a court of equity. Now, at least one half of the real property in the kingdom was vested in trustees, and was therefore more or less, in a state not to be vindicated, if attacked, but in the courts of equity. In a recent case, which must be familiar to every one, that of lord Cholmondeley, it had been solemnly declared, that in equity a suit could not be instituted for land after twenty years had elapsed from the time of the title's accruing. Now, if this was true, the period of limitation, with respect to one half of the real property in the kingdom would be twenty years, and the period of limitation with respect to the other half,

sixty years. The House was called upon, therefore, to make the law, in some degree, consistent; and for that purpose he should propose to limit the period within which the legal title to land might be disputed to thirty years. He proposed, also, to correct a gross abuse which resulted from the present state of the law. As the law now stood, a person having no title whatever, might for the mere purpose of vexation, bring a writ of right against the person known to have the title. He might put him to great expense to prove his title, and after all he was not even compelled to pay costs to the person whom he had wantonly injured and harassed. This abuse he proposed to remedy. There was another injustice which it was his intention to remedy. At present, the party bringing the writ of right was not bound to make out his claim; but the tenant in possession was compelled to make out his title to property, of which he might have been in possession for fifty years. He proposed to make possession *primâ facie* evidence of the right, and to throw upon the party disputing the right, the *onus* of proving a better title to the land. He proposed also, to alter the law respecting the manner of taking conveyances, to bar the dower of married women on purchases made by their husbands, by a mode less circuitous and expensive than that which was at present adopted, and by merely inserting in the conveyance words to the effect, that the purchaser should be seized of his estate in freehold, discharged of the dower, or claim of dower, of his wife. The hon. and learned member concluded by moving for leave to bring in a bill, "for the limitation of a Writ of Right, and to amend the Law with respect to Dower."

Mr. *Lockhart* thought the landed interest were much indebted to the learned member, for the measure which he proposed to introduce. He could have wished that the learned member had proposed some remedy for the evil arising from outstanding terms, which created great difficulty in the perfecting of titles. At present, persons were frequently obliged to consume years in finding out the next of kin, in order to take out letters of limited administration, at a most enormous expense. There was another evil which called for a remedy. A bill in chancery was held to be notice to all the world; and if a bill in chancery, disputing the title to landed property, had been filed, within a period of sixty years, and afterwards dropped, it nevertheless operated as a bar to the transfer of such property. The learned gentleman would do a real service, by remedying the law in these respects. He felt the more fortified in this opinion, seeing that it was supported by that illustrious man (for so he would call him), Mr. Charles Butler, a gentleman not only versed in law, but in every human science; the ornament not only of his profession, but of literature.

Mr. *D. W. Harvey*, after some observations upon the practice of conveyances, and the facility with which they entertained any objections to a title when they might be made to form grounds of proceedings in a court of equity, expressed his surprise and regret that the learned gentleman had not moved for the appointment of a committee to investigate the state of the laws with respect to real property, rather than, by proposing a partial and unequal remedy, to disappoint the expectations formed by the public upon any thing which might emanate from a man of the learned gentleman's character and legal reputation. If, however, the learned gentleman did not move for that committee, he would himself, at an early period, propose that the whole of the laws relating to real property be subjected to the revision of a committee of the House.

Mr. *Hume* expressed his conviction of the necessity of such a committee, and condemned any measure which did not put some bar to the claims of the clergy for tithes. Some of these claims were carried back four hundred and fifty years; and unless a general system of reform was introduced, they would patch without relieving those difficulties which deteriorated the value of land to the extent of four or five years' purchase. The learned gentleman's bill seemed, indeed, to be but a patch, and he agreed with the hon. member, that it would disappoint the hopes of the public.

Mr. *Shadwell*, in reply, declared himself willing to lend the benefit of any little experience which he might possess, to any measure which the House might adopt towards a reformation of the law of real property; but he thought they ought not to reject the remedy of one grievance, because they could not obtain their wishes with regard to all. Men differed with respect

to what was a grievance, as well as upon the remedies to be applied to them; and he could not but think that by doing a little at a time, they might gradually acquire all, while if they were to wait until all were agreed, no man in the House was likely to live to benefit from their labours.

Leave was given to bring in the bill.

HOUSE OF COMMONS.

Friday, February 15.

King's Message for a Further Provision for the Duke and Duchess of Clarence.] The Chancellor of the Exchequer presented the following Message from his Majesty:—

"George R.

"His Majesty being desirous of making such further provision for the support and maintenance of the duke and duchess of Clarence as may be suitable to the present situation of their royal highnesses, relies on the affection of His faithful Commons, that they will make such provision therein as the circumstances of the case may appear to require. G. R."

Ordered to be referred to a committee of the whole House to-morrow.

Emigration from the United Kingdom.] Mr. *Wilmot Horton* rose, in pursuance of a notice which he had given last session, to move for the renewal of the Emigration Committee. He said he was anxious to state in the outset, that whatever details he might now think it proper to enter into relative to the proceedings of the late committee, he did so merely as the chairman of that committee, and not as presuming to say any thing to the House of a definite nature relative to the intentions of government upon the subject. Perhaps it would be a convenient mode for him to inform the House of the circumstances which led to the appointment of that committee. In the year 1823, it was determined to try the experiment of sending a few individuals from the southern parts of Ireland to the province of Upper Canada—not from any expectation that the small emigration which then took place could produce any sensible effect upon the superabundant population of the south of Ireland, but merely for the sake of having before them the effect of an experiment tried upon a small scale, before they ventured upon a plan of emigration upon a large one. In the committee on the state of the Irish poor, appointed in 1823, he, as an evidence (not being a member of that committee), had mentioned this project of trying the experiment of emigration from the south of Ireland, on a small scale, and the committee, in their report, laid on the table of the House in 1823, approved of the suggestion in these words:—"The attention of government having been lately turned to the subject of emigration, your committee have been led to examine into the particulars of the experiment about to be tried. They cannot but express their approbation of the principles on which it has been conducted, and their hope that it may lead to satisfactory results."

In 1825 another vote had been proposed, for again trying the effect of an experiment in emigration on a small scale, from the south of Ireland to Canada; and it had then been opposed, as being contrary to all sound principle. It was said, that these trifling desultory emigrations were of no use whatever, and that nothing could afford any relief to the superabundant population of Ireland, except a plan of emigration on a very extended scale. To this it was answered, that matters were not ripe for venturing upon such an extended plan of emigration. That the proposition before the House was one merely in the nature of an experiment, to enable them to form some accurate judgment how far a grand and extended emigration might be beneficial or practicable. At length the proposition was, though somewhat reluctantly, agreed to, upon the understanding that a committee should be appointed to examine into the subject. That committee was appointed accordingly. It sat in the course of the last session of parliament, and proceeded to collect and examine colonial evidence to a great extent. Although it by no means executed the full purposes which might have been expected from a committee to which time and opportunity had been afforded to investigate subjects hitherto un-examined, much misunderstood, and greatly misrepresented, yet he hoped he was justified in saying, that, by common consent, the evidence obtained before the committee, was received by the public as evidence of a most valuable nature, tending to throw great light on many circumstances not understood with respect to the colonies, and exhibiting in a most unequivocal manner the success of the experi-

ment, as far as affected the fortunes of the individuals who had been the object of it. He should not do justice to this subject if he were not to call the particular attention of the House to the evidence which had been given before the Emigration committee, and former committees on the state of Ireland, and that part of the country from whence the emigrants proceeded. For this purpose he would refer gentlemen to the evidence of the bishop of Limerick, of Dr. Doyle, and of other persons who had means of acquiring information on the subject. It appeared from their statements, that Ireland was, at that time, overrun with a pauper population, who were actually deprived of the means of subsistence—for whose labour there was no real demand—and who wandered over the country, dependent for food, and clothing, either upon charity or plunder.

From this class of beings, alike unfortunate in their condition, and useless to the state, the emigrants were selected; and he would inform the House of the manner in which those who were removed from Ireland to Upper Canada, under the superintendance of Mr. Robinson, had been disposed of. Of the one hundred and eighty families sent out in 1823, one hundred and twenty had been located, and planted in the stations assigned to them; while forty families derived subsistence from being employed as labourers, for which purpose they proceeded during the summer, to the United States. The one hundred and twenty families were fixed, and, as it were, rooted in the soil, and were at that moment living there, prosperous and happy. A statement of the property which they had acquired up to the year 1826 would be laid before the committee about to be appointed, by which it would appear that it amounted to upwards of 7,000*l.*; and, if it increased in the same ratio, in the course of five years it would amount to 30,000*l.* All these persons had been redeemed from a state of absolute destitution, misery, and degradation, and had been placed in a colony, the soil of which was of incalculable fertility: they had been established in a situation where human foot had never before trodden, and they had only, as it were, to scratch the fertile earth to secure as bountiful a harvest as was obtained in this country by the most laborious and skilful cultivation.

The next question to which he would direct the attention of the House, was, whether or not the emigrants themselves were satisfied with their condition. In order to enable the House to form an opinion upon this point, he had only to refer to the evidence of colonel Talbot, than whom no man was more competent, from his opportunities, to form a fair judgment upon the subject. The Report of the emigration committee in 1826, thus notices that gentleman's communication: "Your Committee beg to transcribe an Extract from a letter addressed by colonel Talbot, the founder of the Talbot settlement in Upper Canada, to a member of your Committee, with respect to the Emigrations of 1823, and 1825:—'I accompanied sir Peregrine Maitland last winter on a tour of inspection to the new Irish emigrant settlements, about 100 miles below York. I was anxious to see how they were getting on, and whether the scheme of transporting the poor of Ireland to this country was likely to prove beneficial or not, and was happy to find them doing admirably. These people were sent out last summer, about 2,000 souls, and did not get on their land until late in November: all of them that I saw had log huts, and had chopped each between three and four acres, and I have every reason to think that they will realise a comfortable independence in the course of this year, and be of no further cost to government; and it was satisfactory to hear them expressing their gratitude for what was done for them.'"

In an appendix which would be found subjoined to the Report, an Address would be seen from a body of the Irish emigrants, and the expressions which they made use of on the occasion could not fail to convince any person, that the authors of that Address must have been in the enjoyment of such a share of the blessings of life that they would not very readily be induced to give up their present possessions, and the prospects with which they were connected. "Let but an enemy," said they, "make his appearance to invade our happy residence, and we would all go forth to meet him: not an Irish soul would remain behind. We would all combine with one force and mow down the foe with our shilelahs" [a laugh]. Here at least, was to be found the evidence of contented minds. The latest accounts respecting the condition of

the emigrants were as flattering as those previously received. He had therefore a right to claim from the House the admission —setting aside, for the present, the question of whether the effect compensated for the expense which was incurred to produce it—that a considerable portion of pauper population had been placed in a state of progressive improvement such as had seldom been paralleled in the history of the world.

The next question of interest connected with this subject was, how far the process of emigration was agreeable to the former inhabitants. Did the inhabitants of Upper Canada rejoice, or were they dissatisfied, that their soil was made the theatre of this experiment at colonization? It was satisfactory to know, that they were pleased that the tide of emigration had been turned into their province. This was put beyond all doubt by the contents of the addresses which had been presented to the Lieutenant-governor of the province by the inhabitants of the county of Northumberland, and those of five other divisions of Canada. The addressers expressed their pleasure at the settlement of the emigrants in the province, and bore testimony to their good conduct. There were no addresses of a different character —a circumstance which clearly demonstrated, that the feelings of the colonists were in favour of the new-comers, and that they considered the addition which had been made to their population to be advantageous to them. They doubtless perceived that such an augmentation of their population comprised within it the elements of improvement, and that it was only by such means that they could hope to attain the rank amongst nations which, in the course of natural progression they had a right to expect. The colonial witnesses all concurred in thinking that the prosperity of the colony would be greatly advanced by the introduction of additional population. Those persons were interested in the prosperity of the colony, and would not, therefore, have given such evidence, if they had not been convinced of the truth of what they stated. The witnesses to whom he alluded, differed amongst themselves, in politics and religion, but they all agreed in stating, that the colony had derived benefit from the introduction of the emigrants; and they were likewise unanimous in expressing an opinion, that there was no reason why the capital advanced to the emigrants should not be repaid by them to this country, if not in money, at least in money's worth. As the families of the emigrants spread, the market for British manufactures would be widened; and the pursuance of the plan of colonization seemed to promise a series of benefits, which it would not be dangerous to anticipate. In our own empire it was indisputably true, that the proportion between capital and manual labour had not been preserved; and the consequence was, that the labouring classes did not receive that remuneration for their exertions which was consistent with their prosperity, and hardly with their existence. The conclusion, therefore to which the former committee had come was most sound and just: one part of our dominions required population, which the other could bestow with advantage, and the wants of one country could thus be supplied by the superfluities of the other.

A very mistaken notion was entertained by many persons as to the mode in which emigration should be carried into effect. Those persons maintained that emigration should be conducted on the principle of supplying labourers only to the colonies—that the expense should be limited to the carrying of the emigrants out, and landing them on the shores to be disposed of as chance or circumstances might direct. The principle on which the emigrations of 1823 and 1825 had been conducted was quite different. In both those instances it had been considered wise and necessary to plant the emigrants, and to supply them with capital, not in money, but in kind, to enable them to support themselves, and to accumulate property. In short, to place them in a condition to want labourers for themselves, rather than to become labourers to others. If labourers were wanted, nothing, certainly, could be better than to introduce them up to a certain point; but absorption must soon take place, the market would soon be abundantly supplied with labourers; but no limit could be assigned to the improvement which would result from colonizing upon the principle which had been acted on in 1823 and 1825, unless, indeed, the fertility of the land should become exhausted. That was the distinction which he drew between emigration where the individuals were fixed to the soil, and that desultory kind of emigration which consisted in merely con-

veying them to a certain place, and then leaving them to make their way as they could. He would appeal to any man whether the advantages of continuing the plan hitherto pursued were not almost too obvious to require argument. The settler would be firmly fixed in the soil, instead of taking his chance of obtaining subsistence: instead of being like a plant thrown down upon the earth, either to take root, or to be withered by the sun, he would be like a young and vigorous tree set by a careful hand, with all advantages of soil and climate. There was not one trait of resemblance between the happy state of the emigrant now, and his miserable condition while he remained in his native country, where not one ray of hope beamed upon him, to mitigate the extent of his sufferings. At present, he saw his little stock increasing, from year to year, amid the smiles of a contented family. His children, instead of being curses, were blessings, and supplied him with labour as his means enlarged and the necessity for assistance increased. He began to see his way to independence, if not to wealth, and this happy change was produced by abandoning a country in which not one ray of hope beamed upon him, to illuminate the dreary darkness of his course.

The Committee, in their Report, had not thought it necessary to enter into much detail respecting the mode in which emigration ought to be carried into effect. That was the province of the committee now about to commence its duties. They had been required rather to sanction a principle, than to settle arrangements; and it was left to government and to parliament to decide in what way the principle should be carried into effect after the report of another committee. It was for the House to consider, whether the expense necessarily incurred in the outset, could be repaid, so as ultimately to impose no burthens upon the public. The settler would only be called upon to reimburse the state, as his wealth and his means augmented; and there seemed no conclusive reason why this comparatively trifling outlay should not be advanced, for the sake of producing so much happiness, and, in the end, of increasing the prosperity and resources of the whole empire. He had never heard from any quarter an objection to the principle of emigration, as applicable to the peculiar circumstances of Ireland, excepting as it was founded upon the supposition, that the expense was beyond any conceivable advantage. He took it for granted, that no man could deny that the remuneration for labour in Ireland was far below the wants of the labourer—that the effect of such a state of things was, in the end, to equalize poverty, and to spread it, like a blasting mildew over the whole face of the empire. If any man held out a hope that schemes of forced capital, of colonization at home on lands of inferior fertility, would remedy the evil, he thought he could promise, that before the committee concluded its labours, it would be clearly proved that such a hope was worse than fallacious. The only effect of such a course would be, to continue the worst characteristics of that which it was intended to improve—that of splitting farms, and the introduction of the cottage-system in Ireland; and at no very distant period, the evils, of which we had now to complain, would be aggravated by the very experiment to remedy them.

Having stated thus much on the subject of emigration, as connected with Ireland, he begged to call the attention of the House to the effect which it would have upon England. It had been proved to the satisfaction of the committee, that emigration from England could be carried on without any outlay on the part of the public, for the expense of such an operation: that was to say, that certain parishes, acting on motives of self-interest, would be ready to make an advance, which, with the unequivocal means in the possession of the emigrant himself, would be sufficient to meet the expenditure of the passage, as well as that of localizing the emigrant in the colony, and placing him in a condition to require no additional pecuniary assistance. He begged to call the attention of the House to the details of the state of a parish in England, which would sufficiently illustrate the position he had advanced. The parish to which he alluded was Shipley, in Sussex, and he had the pleasure to acknowledge, that it was to the facilities afforded by the hon. member for the county of Sussex, that he was indebted for the details which he should now proceed to lay before the House. If the House attended to them, he should be able, with more effect, to argue the question in its general application to the rest of the empire. The rental of the parish of Shipley was 2,599*l*., and the

poor-rates, 2,314*l.* If he were asked the cause of this extraordinary relation between the amount of the rental of the parish, and that of its poor-rates, he would ascribe it to the change of the times, and say, that the high prices in time of war had attracted a population to this place, and provided for it; and that, on a change of circumstances, the population could not be sustained on its labour, and being as it were tethered to the place, were obliged to look to the parish for subsistence. But to proceed with the details. The rate-payers were forty-one in number. Forty-nine cottages were unable to pay rates at all. Sixty-seven able-bodied labourers, precisely such as it was desirable to export to make their fortunes in North America, were employed in digging and breaking stones for the roads, not because their labour was advantageous, but simply because it was thought better to employ them in this way than to allow them to remain in idleness. One hundred and forty-seven persons, unable to undergo hard work, were maintained in their own houses, and seventy were kept in the poor-house. There were 233 regular labourers whom every landholder in the parish was now obliged, in turn, to employ in the following ratio:—The farmer who rented poor land to the amount of 10*l.*, or better land to the amount of 11*l.* or 12*l.* a year, was compelled to give work to one man. And in proportion to the rent and the quality of the land, the occupier of land of an average quality, for example, worth 100*l.* a year, had to provide nine labourers now with employment. Six men were, in fact, as many as he wanted; so that three were absolutely superfluous. The annual expense of 233 labourers at 9*s.* each per week, was 5,452*l.*, from which 33 per cent, or 1,779*l.* was to be deducted for unnecessary labour. This added to the poor-rate (if the labour be calculated for the whole year) would be 4,113*l.*, from which deducting the rental he had already mentioned, the expense beyond that rental was 1,514*l.* Why was not this surplus labour removed from the parish of Shipley? Solely because there was no demand for their labour elsewhere; and unless emigration were a remedy for the evil, he knew of no other. When such facts were stated upon authority that could not be resisted, he knew not what hope there was of an amelioration taking place in favour of the inhabitants of that parish. Would it not obviously be the interest of the rate-payers to raise a sum by annuity, which was to cease in ten years, and get rid of the necessity of maintaining, at least, the able-bodied labourers in the parish? Sixty-seven labourers, were engaged in forced employment; seventy-seven may be considered as uselessly occupied, amounting in all to 144. Suppose that number reduced to 100 all able-bodied men; he would say "able-bodied," because he never for a moment was so wild as to contemplate any other description of persons as possible objects of emigration. The yearly expense of each redundant labourer to the parish was 25*l.*; consequently, the expense of 100 men was 2,500*l.* per annum. The expense attending the emigration of that number of persons, on a calculation such as would insure the prosperity of the parties, would be about 10,000*l.*, of which, let it be remembered, the emigrants might be called on to pay one-half: so that the whole disbursement which the parish would have to make, on account of the removal of the number of men above-stated, would not exceed 5,000*l.*, a sum which they could raise without difficulty, by paying an annuity of 647*l.* a-year, to cease in ten years. Thus, then, the immediate effect of the abstraction of one hundred men from the above parish, in the way he had described, would be, to reduce its expense by the amount of about 75 per cent. A comparison had been made between the amount received by a labourer with a wife and four children, and by another with a similar family, both residing in Shipley, one being employed all the year round, and the other only during harvest, being maintained during the rest of the year by the parish; and it was found that the difference was no more than 3*l.* 6*s.* Many other agricultural parishes in England were in the same situation as that of Shipley. For such he knew of no remedy but emigration. The rate-payers of Shipley were of that opinion also, and had declared their willingness to contribute one-half of the expense which would be incurred by the removal of the superabundant population. And no one who heard these facts stated, could, he thought, doubt for a moment, that the rate-payers similarly placed throughout the kingdom would be glad to concur in a plan of emigration, which would be attended with such decided advantages.

The hon. member referred to the result of the last and preceding emigrations, as affording the best evidence of the practicability of future experiments. In Ireland particularly, this evidence was more widely spread than it was in this country. He had himself seen a number of letters from emigrants who had gone out in 1823, to their friends in Ireland, expressing strongly their satisfaction with their present condition, and using every incentive to their countrymen to follow their example. Nothing could be more conclusive of the way in which the change had been regarded by those for whose use it was intended. And when we reflected for a moment upon the state of things in Ireland, it was impossible not to say that the change was for the better. He was as little a friend to expatriation as any man; but who could deny that it was better to translate persons to a fruitful soil, rather than to leave them starving under a system of paralyzing pauperism? As a further illustration of his opinions, the hon. member referred to an address transmitted by the emigrants of 1823, to Mr. Robinson, who presided over that emigration, expressive of their thanks to him for being instrumental in bringing about the fortunate change which had taken place in their circumstances. This address was dated in December last. The parties appeal to their loyalty as the best test of their comfort; and Mr. Robinson, in reply, had recommended them "to persevere, to forget the past, and be obedient to the laws;" and there was every reason to believe, that they would attend to the recommendation.

If, then, 105 families were induced to emigrate in 1823, and 1,200 in 1825, with success, he saw no reason why the principle might not be unlimitably applied, as long as land remained in the settlements uncultivated. Any man who did not approve of emigration, in the present circumstances of the country, must view facts with eyes very different from those with which he contemplated them. It was an advantage attendant upon emigration to countries like Canada, that every succeeding class of emigrants presented a market for the consumption of the products, whether of agriculture or the coarser sort of manufactures, supplied by those who preceded them, thereby at once receiving and conferring advantages; and when he considered the matter in that light, he could not understand how the argument which they heard repeated so often could be supported; namely, that a limited emigration might perchance be successful, but that one on a larger scale must certainly fail. There was another mistake into which those fell who argued against the propriety of emigration from Ireland, and that was when they insisted upon the advantages resulting from the liberal employment of capital. Now, so far from the increase of capital carrying with it a demand for labour as a necessary consequence, it much more frequently produced quite the contrary effect. Upon that subject, the evidence of Mr. Brackenridge was of the greatest importance. He says, that "notwithstanding labour is so cheap in Ireland, every kind of product of labour, whether from agriculture or manufactures, is dearer than it may be had in England." The reason he gives for that is, that there is a deficiency of implements, such as machinery for manufacture, and hoes, harrows, and ploughs for agriculture, the latter being in every respect of the worst material and most clumsy construction. But did not the House see what would be the consequence of any improvement in machinery, or in harrows and ploughs, from the application of capital? Why, that the demand for labour for a time would be decreased in an exact ratio with the improvement, and that in proportion as they found themselves able to produce the same quantity, or a greater quantity, of any product or manufacture from the use of improved tools or machinery, in that proportion would the demand for labour by the hand be diminished. If therefore, there was even an application of greatly-increased capital to agriculture, so long as the population continued to increase, the effect might, in the first instance, be rather to exaggerate than diminish the evil; and those who enlarged upon the effect of capital would find, that in a country placed in the situation that Ireland was in at present, emigration alone could prove an adequate preparation for relief to that country.

There had been petitions presented from the manufacturers of Glasgow and its vicinity, complaining of the most appalling distress; and representing in terms, he feared but too strongly borne out by the facts, the hopeless and irremediable condition of a great portion of the artisans and manufacturing population of that

portion of Scotland. In the committee he was then about to propose, evidence would be heard, too, from them; and the House would, from the report, be enabled to see how far their statements were upheld by the proofs, and how far it might be prudent to listen to their prayers for assistance to leave a country where they could no longer earn the means of subsistence. The House ought, however, to remember, that the habits necessarily engendered by the life of a manufacturer or artisan, were not so favourable to their possessor, upon emigration, as if he had been reared in the knowledge of agriculture; and it would be for the committee to see how far the principle of emigration could be safely carried into effect, with a manufacturing population. The opinion, however, of that class being wholly ineligible for emigration, might, he conceived, be carried too far; for recent events had shown, that emigrants of that description had been very successful in Upper Canada. There was, indeed, a peculiar distinction between the agricultural and manufacturing population in one respect; namely, that it became extremely difficult, from the nature of the employment of the manufacturer, and from its frequent variations, to say whether there was, at any particular time, a redundancy in any branch of trade. They had seen thousands out of employment to-day, receiving high wages and in full work on the morrow; and in such sudden changes and alternations it became extremely difficult to say at what time, or to what extent, any branch ought to be relieved. In his opinion, the only method of ascertaining the state of a population under such circumstances, was by the rate of wages: and he would say, that if it could be demonstrated, that the average rate of wages spread over a series of years, although subjected to occasional fluctuations, were sufficient to support an artisan in any class of manufactures, it would be too much to assert, that there was a permanent redundancy of hands in that branch of manufactures. On the contrary, if the average wages of labour were for a long period insufficient to the maintenance of an artisan in any particular employment, it was fair to infer that there was a redundancy of labour in his class, which could not find vent elsewhere. He supposed that no one would deny, that that principle which regulated the price of commodities, also regulated the price of the labour of those who produced them; and that, whenever the supply became in either case in excess, as compared with the demand, the price must sink until the market was cleared of that proportion of the article, whether a commodity or labour, which was really in excess. If, therefore, the market could, by any means, such as emigration, be cleared of those hands which were at the present moment superabundant, it followed, that the remainder would find the wages of labour increased to such an amount as would afford them an adequate remuneration. To take the parish of Blackburn, in Lancashire, for example. In the year 1814, the average price for weaving was 9*s.* 6*d.* for each hand-loom piece, of which there were then 27,000 made in a week, and the produce to the weavers was 12,095*l.* At the end of the year 1826, the average price of weaving a piece of the very same description, was 1*s.* 9*d.* Was not this, he would ask, a state of things which required remedy? Did it not show that something more was requisite, than a mere increase of demand? These persons had petitioned the House in terms of the bitterest distress and despondency; but he would venture to say, that they had ascribed their misfortunes to circumstances which had no conceivable reference to their present condition. Among other mistaken causes, these parties persisted in asserting that their situation was produced from the employment of machinery, and that they would be relieved by its destruction. He would ask, was it not of some importance that they should be made to understand their real situation, through the investigation and inquiries of a committee—and that they should be made to appreciate the consequences of the superabundant hands introduced from Ireland and other places. Suppose that the machinery in one parish were destroyed—ought they not to be made aware that the manufacturers would erect new machinery in another, and the means of employment in the parish from whence it was removed would be taken away, without, in the slightest degree, diminishing that effect of machinery, of which they complained. In Manchester there was a population of 120,000 persons, and yet there were at the present moment, dependent on poor-rates, 3,590 families, making upwards of 14,000 souls, of whom half were desti-

tute of employment. If there was a hope that all the present distress would be removed, and the cloud which, at present, hung over their prospects would clear away—if it was possible to find any other method of permanently employing their families, and leaving the supply equal to the demand—then God forbid that he should be the first to recommend emigration from this country to any other! But if the question rested upon the point of whether the distress was temporary or permanent, he feared there was very little chance of any permanent relief by employment, so as to place those who were now suffering beyond the reach of distress. It would be unnecessary for him to say that the introduction of machinery must, under every circumstance, be considered a most desirable object. One thing was certain, that the productions by the means of machinery had become great enough to prevent any fear of a rise in the price of any commodity by the withdrawing of workmen through the means of emigration.

The hon. member then went into an explanation of the details, as shown from the labours of the last committee, and stated the maximum cost of the transport of every individual to Canada to be about 20*l*. Many of them, indeed all, had there been fortunate; and there was the best ground for believing, that the condition of repaying the advances made to them by government could not, under any circumstances, be considered a hardship. He was well aware that the subject of emigration, as connected with the manufacturing districts, required much further examination, and he did not pretend to deny that it might not lead to a consideration of the whole state of the Poor-laws. This only he would venture to declare, that unless they fairly met the evil, and applied some real and substantive remedy, the demands under those laws would soon absorb the whole rental and capital of the country. To that subject the committee would apply themselves; and if they could suggest any other or better expedient than emigration, he would most gladly embrace it; although he had no hesitation in saying, after the most mature consideration, that it was his deliberate conviction that no better remedy could be found. He would now move, "That a Select Committee be appointed to consider the subject of Emigration from the United Kingdom."

Mr. *James Grattan* objected to the motion, as calculated to lead the people of Great Britain, and especially those of Ireland, astray. Emigration was the hobby, if he might so call it, of the hon. gentleman opposite; but it had been proved by experience, that emigration, upon any extended scale, would not do; and, in the mean time, hopes were excited among the distressed people. They imagined that a plan was in preparation for their removal, and that money was going to be granted for their aid; while the hon. gentleman went on, from session to session, appointing his committee, discussing projects which the country had no means of realizing, and describing scenes of comfort and amelioration which, by no probability could come to pass. By the calculation of colonel Cockburn, the military experiment made in 1816 had cost the country, for each settler, at the rate of 20*l*. per man. He repeated, that the expense of such a proceeding made it impossible for the country to execute it to any considerable extent. We were called upon to lay out enormous sums for the purpose of sending our population abroad. Would it not be better, in the first instance, to try the cheaper experiment, of making them comfortable at home? And, even with all this expense, the system of emigration was radically bad. If it relieved us of our number for the present, the vacuum so produced would be very soon again supplied. With respect to Ireland, what had been the opinion of persons well calculated to judge, as to the effect of emigration? Let the hon. gentleman, who was so anxious to move the labouring population out of Ireland, compel their landlords to do something which should find them present food and employment. What was the evidence of Mr. Nimmo before the committee? Mr. Nimmo was a Scotchman, and not likely to exaggerate what he had seen from any national and party feeling. His evidence went to show, that riot and ill-government, rather than a surplus population, were the evils that afflicted Ireland: for he said, "In places like Derry, where the country was quiet, I found the land letting for 5*l*. an acre; and yet the people well off, and satisfied; but, in Kerry, where the land was let at only 1*l*. an acre, the country was in a state of tumult, and all was miserable, and going wrong." He wished Irish gentlemen would look to Ireland in

the discussion of this question. The bishop of Limerick had said in his evidence, why do you not employ the redundant population at home, in the fisheries, in the making of roads, and not send them abroad? He did not think that many Irishmen would now colonize with any but irritated feelings; and the probability was, that they would be among our bitterest and most implacable enemics. He trusted that the House would not suffer a new committee to be appointed. For his own part, he would rather vote a sum of money for the relief of these distressed persons at home; and he thought that, if there was to be a tax for the purposes of relief, it had better be spent at home than in furnishing the means of emigration to other countries. He would therefore move as an amendment, "That the state of distress existing in this country at present, and the still greater distress which has existed for so many years in Ireland, requires some more immediate and permanent remedy than any which may be expected to result from the re-appointment of a Committee on Emigration."

Mr. *Lambe* rose to second the amendment. He said, that if the hon. gentleman opposite would come down to that House with a fair and honest scheme of colonization, he should have his cordial support; but this was a mere delusion. As to Ireland, there was but one course to be pursued — Catholic emancipation must be granted. It was said that the present distresses of that country were owing to want of employment, and that there was no capital to furnish that employment. But why was there no capital? Because of the disturbances which existed there; and which would prevent any capitalist in his senses from risking his property in that country. Remove the disabilities under which the Catholics laboured, and these disturbances would no longer exist. He was sure he spoke the sentiments of every honest Irishman when he said, that if these disabilities were removed, the people of Ireland would become good and peaceful subjects; and the English capitalist might then settle there in perfect security. This would certainly be the result. He trusted that the great question of Catholic emancipation would pass that House in a few days; and if it did not, he hoped he should live to see the day when the people of Ireland would come in a body to the doors of that House, and snatch, by constitutional means, those privileges which they had so long prayed for in vain.

Colonel *Torrens* said, that having given great consideration to the subject of emigration, and believing emigration, as a general measure, to be capable of conferring the most extensive benefits upon this empire, he naturally felt desirous to reply to some of the observations which had been that night urged, upon his side of the House, on the present question. Instead of deprecating emigration, as some hon. gentlemen had done, and in no very measured terms, he was convinced that all those who had reasoned this great question, upon sound and intelligent principles, must perceive that it was calculated to work almost unlimited advantage to Great Britain, and that for the evils of that country which had just been touched upon, it offered the only efficient remedy. The hon. member for Wexford had told the House that, for want of employment in their native country, the poor labourers of Ireland were compelled to ship themselves hither; that on arriving here, they discovered a redundancy of hands offering for agricultural labour, and were, therefore, obliged to return back to Ireland, where, of necessity, they fell into the most abject state of pauperism and want. Now, could any fact prove more strongly than this, that, if it was possible to obviate this hard necessity, these people ought not to be bandied backwards and forwards, between the two countries, like miserable shuttlecocks, abandoned to their own wretchedness? Another hon. member was of opinion, that British capitalists and British farmers should settle among them, and endeavour to give employment to the unfortunate population of that country. But that hon. gentleman ought to know, that in Ireland there was already a great redundancy of that population employed in agricultural labour; that in point of fact, twice the number of agricultural labourers which were employed in England, failed in Ireland to raise the same amount of produce.

If already, therefore, double the number of agricultural hands were in work in Ireland, what would be the effect of introducing into that country the English and Scotch system of agriculture? Why, of necessity, to render one-half of the whole agricultural population of Ireland, absolutely and positively redundant, and totally

unemployed. An hon. gentleman had applied epithets to the schemes of emigration that had been, at different times, contemplated by the government, which might surely as well have been spared. The question of emigration was one so wide, and to be discussed upon principles so abstruse, yet so philosophical, that it would not be disposed of by applying to it a few epithets of such a character; and, still less, in so far as it regarded Ireland. It was not the want of capital that caused the distresses of Ireland; it was the fact of her territory being too small to support her population; and thus it was that the redundancy of population met them at the very threshold of the argument, and was the evil to which a remedy must be first applied. This great and important question must be tried by its own merits. In Ireland there was, as it was confessed on all hands, a redundancy of population; and the hon. gentleman under the gallery had proposed to remedy this evil by increasing the capital of that country. Now, he would inform that hon. gentleman, that where there were not fertile lands on which capital could be applied, it might happen, that in one and the same country both capital and labour might be redundant. He need not remind any hon. gentleman who was conversant with these matters, that when double capital was applied to land, it would not always give a double result. There was a point, at which, after repeated applications of capital to a farm, any succeeding applications of capital could not be successfully made, any more than it would be successful in the result to apply large portions of capital to lands of a certain degree of want of fertility. The state of the question was this. England had a redundant capital, and a redundant population; Ireland had a redundant population, and in the colonies land was redundant. Emigration, therefore, was merely the application of the redundant capital and population of the united kingdom to the redundant land of the colonies. This would be to increase the national wealth, and he would contend that it was the only means of putting down our poor-laws, which were a Spencean system, that would, if persevered in, break down all aristocratical distinctions, and reduce every state and condition to the same level of poverty and misery.—With respect to Ireland, he wished as heartily as any man, to see all disabilities removed, and to see that country one with this, and governed by the same laws; but he must say, that he thought it a little too much for the hon. member who spoke last to mix up the question of Catholic emancipation with that of emigration; and he would venture to say, that if Catholic emancipation were granted to-morrow, it would not relieve, in the slightest degree, the distresses of Ireland. He would add one word about the expense of carrying this projected emigration into effect. Great stress had been laid upon this; and some hon. gentlemen appeared to think, that the greatness of the expense would be fatal to the project. He, however, was of opinion, that the expense of sending out a million of people to Canada would be well repaid. They would occupy twenty millions of acres of the best land which government could give them, and if capital were supplied them, these acres would in a few years be worth a pound an acre; and could they not then afford to pay a shilling a year rent? Any body accustomed to consider the value of land, and the growth of rent, would entertain no doubt that to Canada this calculation, at the lowest, would apply. And, as to that noble country, people at home really looked at the question in a very narrow point of view. They looked at Canada simply as she now was, not with any regard to what she might be—to what she must hereafter attain to—in the occupation of a large British population of settlers, going out there with sufficient, though probably frugal, means. These persons would naturally require a great abundance of coarse materials, but materials of light and easy freight; and the mother country would gradually be founding a commerce, which would one day become most extensive. Markets for various commodities would be constantly springing up in Canada, and she would, at no distant period, become as flourishing, in proportion to her resources, as the United States themselves. She would very soon evince a progress not less rapid than that which the United States displayed after the war of independence. He would say again, that the measure which was contemplated by the present motion, was a great measure, pregnant with mighty results, and founded upon the best and soundest principles of political economy—that it would combine those productive elements of wealth and power, which, uncombined, were fruitless—that it

would relieve, as he had before observed, Ireland from the oppressive redundancy of her population; and England from the alarming and destructive increase of her poor-rates; and finally, that it would spread the British name, the British laws, and British influence throughout all climes of the world.

Mr. *Bright* considered that this was a practical question, and had been dealt with too theoretically. He had, no doubt, that emigration, on a large scale, would be of great benefit to the country; but he thought that the measures pursued by government, with respect to emigration to British America, were not those which ought to have been pursued. The hon. Secretary had, in effect, given the House to understand, that his schemes of emigration had perfectly succeeded. He had intimated, that the experiment of 1823 had had every success; but in this point he entirely disagreed with him. The hon. gentleman had talked about some strange multiplication of property in the case of one hundred and twenty persons settled in Upper Canada, who had taken out only 20*l.* a-piece, and were now worth in the aggregate, 7,000*l.* But, with this estimate, let the House contrast the evidence of col. Cockburn; and, having done so, the House would be slow to believe that Mr. Robinson, the conducter of the experiment of 1825, had effected twice as much. From the statements of these gentlemen, he inferred that the results of each expedition had been disastrous. Mr. Robinson, in particular, was evidently anxious to explain away a charge that had been made against the misfortunes that attended the experiment which he conducted. It appeared that the people were landed in Canada at the wrong time of the year; but, he added, they were as comfortable as could be. He admitted, that there were many local fevers and agues about; but then, he consolingly added, "we brought two thousand people out; and have lost but one hundred." He allowed that they were much annoyed by the mosquitos and insects; but then they were all pretty well. Could it, then, be seriously contended, that these experiments had succeeded? If Mr. Robinson encountered such difficulties in conducting his people to their location in the second experiment, what must have been encountered by colonel Cockburn in respect to the first? The hon. gentleman declared that he thought these experiments amounted to a total failure, and ought not to be repeated. But did he, therefore, say, that, in the present distressed state of the country, emigration ought not to be encouraged? Far from it. He contended, that this committee ought to sit, and beat about for some better and more eligible means of effecting such purposes as were contemplated by these experiments. If they began by removing the difficulties and impediments which now interposed to prevent the removal of the distressed, there would speedily be a multitude beyond the one hundred and twenty persons already spoken of, settled in Canada. At one period, let it be remembered, no less than seventy-five thousand persons embarked from Ireland, within a very short space of time, for the colonies; and, if these facilities were opened, as they should be, that measure would soon be repeated. The hon. gentleman, after praising the objects and exertions of the Quebec Emigration Society, and pointing out its great importance and utility in forwarding settlers to their locations, proceeded to shew that that institution ought to be encouraged and supported by the government. The government ought not to shrink from the question of emigration, from any fear of expense. He thought Canada one of the bulwarks of the empire, and it was of the greatest possible moment that she should be adequately colonized and supported, if we meant to protect ourselves in our American possessions, or wished to defend them from encroachment. A large annual sum of money from the public purse, for the advancement and encouragement of this beautiful colony, would be always well expended: but, in order to the success of that measure, the country ought to be properly surveyed and mapped. To accomplish this object, he should gladly support the expenditure of 50,000*l.*; and he thought it would be a meanness unworthy of this country, and of the object to which it was to be applied, to object to a grant which, if well laid out, must in the end prove highly beneficial, as well to the nation, as to the persons for whose relief it was immediately intended. Differing, as he did, from the views of the hon. Secretary, and from the recommendations which the committee had made for the future, still he was convinced that the committee ought to go forward; because he believed that from the inquiry would spring evi-

dence upon which the House might safely act, and suggestions which might be practicable

Mr. *Brownlow*, though somewhat disappointed with the statements that had been that evening made by the hon. Secretary near him, felt considerably gratified that, hitherto, whatever objections had been taken to the measure recommended by that hon. gentleman, applied only to the details, and not to the principle of the measure. That principle was left entirely untouched; namely, the relief of the not merely excessive, but vastly superabundant, population of Ireland. This superabundance was general, and not confined to the mountains and waste lands only, which the hon. member for Wicklow recommended that they should be employed to cultivate instead of being conveyed to eat bread and to earn money in America. But, in the former case, where was the bread to be had, or the money to be found to support these poor people during their employment? The gravamen of this case was, that thousands and hundreds of thousands, nay, he might say, two-thirds of the people of Ireland, were unemployed. The hon. member for Bristol had objected, that the hon. Secretary's measure was not the right one. Now, he would admit that the details of the measure were very important, and might involve the inexpediency of the whole measure itself, and it would be very well to consider them, when they should have been brought before the House. But after all that had been said on this subject, it was a little too hard for the House to be trying details which had not yet come under their notice. The hon. Secretary was not now calling on the House to approve or support any specific plan; nor did he mean, as an hon. member seemed to apprehend, to kill Irish emigrants with salt pork, boiled beef and plum-pudding. All that the hon. Secretary had said, in effect, was—"Our experiment of 1823 succeeded to a certain degree. Give me a committee, and let us prepare a plan of emigration, such as, upon all considerations, shall appear most likely to be successful." For his part, he (Mr. Brownlow) was much obliged to the hon. Secretary for having brought forward the question. In the first place, that fact alone savoured of doing something for Ireland. He could not help thinking, that, though a flood of light had lately poured in upon them about Irish affairs, little had been done in them, compared with the knowledge which parliament had acquired of them. Neither did he mention this as matter of blame; for, so aggravated was the situation of that country, that it required a very vigorous mind in the man who should take up one part of the complicated case, which that anomalous situation presented to him, not to abandon the rest of it in utter despair. From himself the hon. Secretary had the greatest praise; because, next to that great and vital question, which stood upon their books for discussion on the 1st of March—next to the political evil which now wasted the strength and impaired the resources of Ireland—there was no subject so deeply interesting to an Irishman as this question, touching the only measures which could effectually relieve his country from the evils arising out of her superabundant population. It seemed, however, that this was, according to the expression of one gentleman, "the hobby" of the hon. Secretary; and it was said that every man had his hobby: but the report, with the accompanying evidence, was a very valuable document, and well worthy of being read. Yet the whole of that evidence and report might be dispensed with, and a very strong and pressing case would remain, for taking the condition of the superabundant population of the empire into consideration.—He would now advert to the evidence which was taken before the Irish committee, of which the hon. Secretary was not a member. The hon. member for Bristol had great sympathy with the men who went out in 1823; they, it seemed, were not well off enough; they found the climate bad; they were bitten by mosquitos. But, did that hon. gentleman know what was the situation of the pauper population of Ireland? for that was the point to which he now desired to call the attention of the House; and he would read two or three extracts from the evidence given before the committee in question. Major Wilcox, examined as to the condition of the state of the population in Limerick county, stated, what? that they were living in good log houses? with so many acres of land around them, and every day bettering their condition? No; but that hordes of these unfortunate paupers were living amidst bogs, with no other covering but sedge; and very little of that. Mr. Dunn, of Queen's county, deposed, that there was a great want of

employment throughout the county, and wages at only from 4*d.* to 5*d.* a-day. The Knight of Kerry said, that the poor people in his neighbourhood were glad to go a long way from their homes to procure employment, by which they earned no more than two-pence a-day. He believed that, as a general position, these facts might be somewhat over-stated; but he knew that starvation existed to a great extent in Ireland. He did not say that men died from actual famine; but he stated, without the fear of contradiction, that the privations which the people of that country endured diminished their strength and shortened their lives. What-ever notions might be formed of the appearance of his countrymen, who, when they came over here, plumped up and soon seemed to be in good condition, he could assure the House, that in Ireland their gaunt forms and lantern features indicated, beyond all question, that they endured the extremity of human misery. The consequence of this state of suffering and degradation was, that they were always ready to indulge in any golden dream which promised them relief from their present misery; and that when any man spoke of change—since to them no change could be for the worse—he found ready listeners. It was one of the results of this state of things that had caused so extensive an emigration to Scotland, the greater part of the west of which was peopled by Irishmen. But, in fact, the Irish by doing this were now only returning a visit which they had had the honour of receiving about two centuries ago from the Scotch, whose habits of industry and regularity were to this day apparent in the spots where they had taken up their abode. But it was not to Scotland alone that the evil effects of the redundancy of the population in Ireland extended themselves. None of the steam-packets came from Ireland to Liverpool, without bringing some of the people of the former country, who could now procure a passage for 4*d.* or 5*d.* per head. The consequence must be, that the same results would be experienced here as in Ireland; labourers would be to be had for 4*d.* or 5*d.* a-day, and not only the labouring people would be reduced to a state of want and privation similar to that which was felt in Ireland, but the moral feelings and the ways of thinking and acting of the people would be reduced to that standard which, he was ashamed to admit, existed in Ireland. The evil would then, and at no distant period, be felt and complained of in England, as it was already felt and complained of in Scotland. What, then, must be done with it? Honourable gentlemen said, "do nothing, and it will cure itself." What! let famine and pestilence do their work? Leave such a state of things alone, and leave the wretched people who suffered under it to die by starvation or disease! And this because it was thought the evil would cure itself; that in a few years improvident marriages would cease, and all would be well again! But, what was the fact? The population of Ireland had doubled within the last twenty-one years, and was still increasing. This reasoning was altogether false—false as applied to Ireland, because it was opposed to facts; and false *a priori,* as applied to any country; for when people were sunk into distress and want, they became desperate and reckless of all consequences. The evidence, too, of Dr. Doyle, stated that the people congregated together for the purpose of keeping up the animal heat in the inclement season, and by this means also the population was increased. It was true that money had been sent from this country to Ireland in great abundance, in times of distress; but that money had all been laid out to relieve men who were starving, and the benefit was in no way permanent, but the reverse; because, when the money was gone, the people were not even where they were before, but by so much the worse from the encouragement which that relief had afforded them to increase their numbers. There was, then, no alternative but emigration. He was asked, what security he could offer to the House, that when even this had been adopted, to whatever extent, the country would not still be in the situation of the fifty daughters of an unfortunate gentleman, who were doomed to fill tubs from which the water escaped as fast as they poured it into them, and that although they might be always changing, they would never lower the level of the population. The security which he had to offer was that which had arisen from the experience of the Irish land-holders, and which had taught them to adopt a different method of letting their farms. They had found out, that to consolidate their estates was better than to subdivide them. Many landlords in

Ireland had anxiously endeavoured to better the condition of their tenantry by allotting their farms on more advantageous terms than formerly; but, with the best intentions, they had failed to effect their object. It was found necessary, therefore, to introduce into Ireland a new law, called the law of landlord and tenant; which was now working its progress, but without any beneficial results. He knew at that moment, a gentleman who possessed an estate of six thousand acres, four thousand of which were unprofitable bog. On the remaining two thousand acres there were upwards of three thousand unhappy peasants settled, whose means of living were as scanty as the space which they occupied was confined. The hon. member for Wicklow said, "leave the Irish peasants where they are." But, what was to become of their still increasing families? How were they to be provided for? "How," said the hon. member, "but by consolidating farms, and abandoning that ruinous system of subdivision, which had too long brought misery and distress upon the country." But the House should look to the situation of the unfortunate Irish peasants, if that plan were followed. Driven from their native haunts, they would soon be dispersed through the country, seeking for employment, without food or shelter. They would live in the open air, or build themselves miserable dwellings on the backs of ditches, sustaining nature with whatever chance provided. In this state, were they not wandering at present to Glasgow and other places, where at last, overcome by want and misery, they perished; thus swelling, to a fearful extent, the ranks of sickness and death? Was it not, therefore, the bounden duty of the legislature to prevent that unnatural, that frightful stream of want, misery, and pauperism, from flowing over to this country from unfortunate Ireland, and thus arresting the progress of disease and death in all their dreadful malignity?

Mr. *Baring* observed, that whoever had listened to the able speech of the hon. Secretary opposite must be aware, that it was not proposed to do any thing specific in this matter, without its coming under the consideration of the House. Whatever the fancies, then, that any particular gentleman might have, there was no reason to fear that they would be carried into effect without the consent of the House. It appeared to him, that this was a great national question; and, indeed, it did not stand in need of demonstration, that whatever affected Ireland, must also affect England, and the empire at large; and he was sure, that whatever lukewarmness might be evinced by the members of his majesty's government, in apparently leaving the hon. gentleman who had opened the discussion, in the lurch, in the manner they had done, it was not because they did not feel the force of an evil which threatened the safety of the country, but because they doubted of any real remedy from emigration. Either they did not think it would operate sensibly upon the mass of redundant population, or that the expense rendered it impracticable. But, when he heard the hon. member for Bristol oppose the scheme of emigration, by contrasting the condition of the people who lived on their farms in Upper Canada, with that of the wretched peasantry of Ireland, he confessed it gave him surprise. He spoke from his own knowledge when he said, that he had seen thousands of these settlers, and that a more prosperous, healthy, and comfortable peasantry were not to be found in any part of the globe. There was, of course, a good deal of privation and hardship to be encountered at the outset; and, for four or five years, a good deal of hard labour. But, at the end of a year or two, the settler could obtain his subsistence, and at the end of four or five years, his situation was enviable, compared with that of the labourer in England. The great labour consisted in cutting down the wood; but when fifteen or twenty acres were cleared, there was enough for one man to grow his corn upon, out of a soil such as hon. gentlemen knew not the like of for richness. An hon. gentleman had said, that there was a six months' winter in Canada; but this was an egregious mistake, for the average winter was three months at the utmost. Therefore, as far as regarded the question of personal comfort, hon. gentlemen might feel themselves quite easy, and rest assured that the emigrants would be taken out of a vast mass of misery, dependence, and consequent ignorance, and converted into a race of prosperous and rational beings. As a benefit to Ireland, it was impossible not to see that the elevation in the scale of human beings, which would follow upon the contemplated removal, would be an act of the greatest charity. What the

means were by which an object so desirable could be effectually accomplished, was another consideration; and, although there might be differences of opinion as to the extent to which relief should be afforded, still it was quite clear, that whatever plan should be finally adopted, and however limited that plan might be, it could not fail of doing good. He confessed, with some degree of compunction, that he had not attended the emigration committee last year as often as he ought to have done; and he was, therefore, not so conversant with the subject in its different bearings as its importance required. The hon. Secretary had, as he understood, brought forward the present motion with a view not only to learn the feelings of the House upon it, but also to ascertain how far the country at large was interested in the discussion. The first consideration undoubtedly was, whether any expense to which the country could go, would open a vein sufficiently large to have any effect upon the overloaded state of the population. Upon this point, he was satisfied that the excess of population was by no means so great as was supposed. He meant to say, that he was sure that twenty or thirty thousand in Ireland were capable of creating all the misery of which they had been witnesses; and that to abstract any portion of these, would be a positive benefit. The beneficial operation of a system of emigration was seen in an empire like Russia, where there was a great extent of territory. In America, also, the population was continually spreading itself, and might continue so to do, till they reached the shores of the Pacific Ocean. Perhaps, indeed, there was too great an extension of the population in America for the purposes of civilization; and that the size of her territory was rather an evil which prevented that moderate degree of compression, which, under all circumstances, would be desirable; but, the people of the United States took long journies, and at considerable expense, to make new settlements. From New York they went to the back part of Pennsylvania, and even to the Mississipi, and the Ohio. Now, no man went from Massachusetts even to the Ohio who did not incur four times the expense, and far more trouble, than would be incurred in bringing a man from the coast of Ireland to Canada. He had seen many of the caravans which annually traversed the woods of America, in long and painful journies, for the back settlements; and, although these emigrations were always to the relief of the hives from which they swarmed, the individuals who removed their families in this manner, did so at considerably greater expense than, with the convenience of water carriage, could be accomplished in the case of Ireland. The passage by water would serve almost the whole distance up the river St. Lawrence, and then for two or three thousand miles further.—The more the plan was looked into, the more practicable he was convinced it would appear. To be sure it could not be done without much expense; but when it was considered, that half a million of money was subscribed by England for the alleviation of a temporary evil under which Ireland was suffering, it would appear obvious, that if the public were fully impressed with the permanent advantage of removing the redundant population of that country, humanity would prompt to its accomplishment, letting alone policy. As to that part of the plan which anticipated the receipt of any repayment on the part of the settlers, he could not regard that as much better than visionary. From his knowledge of the settlers, they were not persons much given to the payment of money. Promises they would give, but to make them pay was not so easy. And, indeed, to attempt it would be impolitic, inasmuch as it would furnish a strong inducement to throw off the allegiance to the mother country. It was always impolitic to give to a whole people an interest to throw off allegiance; and in this case, perhaps, to turn their shillelaghs against us on the other side of the Atlantic. The eagerness with which the state of Virginia entered into the revolution was attributable to the debts which the leading members of it owed to the merchants of England in their commercial dealings. As to that part of the plan proposed in the report, respecting the granting of annuities by parishes, to raise money for the endowment of their emigrant paupers, he thought that would encounter many difficulties. He was not, however, afraid as some were, that the void created by the draughting off of the paupers would be forthwith filled up by others. Farmers in general were a great deal too sharp to let strangers make settlements in their parishes. All these topics, however, would be better discussed in the committee.—He could not conclude with-

out giving credit to the zeal and talent of the hon. gentleman who had brought the subject forward; and if the right hon. Secretary for the Home Department would only come into the committee with them, he could assure him that he would there find that the plan was not so visionary as many persons were disposed to consider it. To carry it into effect, it would be absolutely necessary that the restrictive laws upon captains of ships, in respect of emigrants, should be repealed at the outset.

Mr. *W. Horton* observed, that the restrictions to which the hon. member alluded were removed.

Mr. *Baring* in continuation observed, that if something like a bounty were given to captains of ships conveying emigrants, it might operate as a stimulus to their exertions to promote the comfort and convenience of those whom they conveyed. Some suitable preparations should also be made to provide for the reception of the emigrants on arriving at their destination. Care should be taken that they should be sent with all convenient facility to whatever settlement they were intended for, otherwise a great deal of inconvenience might arise. In Quebec, for instance, which contained a limited population, the introduction of a large number of emigrants might create a serious injury. The means of conveying persons up the country were of late considerably improved, and some method could most likely be adopted, by which emigrants could be removed up the country without inconveniencing the residents. Preparations should also be made for the reception of the emigrants when they arrived at their final destination. Without some precautions of the nature he suggested, considerable confusion and inconvenience would, in all likelihood, occur. The Cape of Good Hope, and the new Spanish colonies afforded facilities for emigration, if the same precautions were observed there that he had just suggested. The hon. gentleman concluded by observing, that the country was very much indebted to the zeal and talents displayed by the hon. Secretary for the colonies in bringing forward the present motion.

Mr. Secretary *Peel* said, he felt anxious, in consequence of the personal reference which the hon. gentleman had made to him, to explain his views and feelings with respect to the important subject now before the House; and he hoped his hon. friend the colonial Secretary would do him the justice to say, that he had always taken a warm and lively interest in the present question, whatever the hon. gentleman who last addressed the House might infer to the contrary. If he had taken rather a medium view of the question—if he had not advocated it in a way that its supporters might have wished—he hoped he should not, therefore, be accused of displaying apathy and coldness towards the question. His hon. friend who had introduced the measure, knew that he had frequently and anxiously consulted with him on the subject of emigration. In the view which he had taken of the question, it struck him forcibly that it was essential to success not to proceed at first on a scale of emigration too extensive and magnificent, but rather to proceed by a rational and quiet mode to effect the object in view. That there were facilities for carrying the plans proposed into execution none could deny. His noble friend at the head of the colonial department, his hon. friend who had brought forward the present motion, and himself had had repeated interviews on the subject; the result of which was, that a gentleman, colonel Cockburn, whose zeal and talents were unquestionable, had gone out to Nova Scotia and elsewhere, for the purpose of personally observing how far the proposed plans of emigration were likely to succeed. He had instructions to extend his inquiries to various subjects connected with the agricultural prospects of those places which he was to visit, and to make observations respecting the quality of the different lands pointed out for settlers. He was further instructed to make a full report of every thing connected with the subject that fell within his observation, so that government might have some rational ground on which to erect whatever plans it might adopt with regard to the subject of emigration. Before the committee closed its labours, he hoped that the report from the gentleman referred to would appear, in order to furnish fresh evidence on which to found whatever proceedings the committee might ultimately adopt. His hon. friend proposed no plan at present. He merely threw out suggestions for the consideration of the House. And what was the amount of the objections raised by the hon. member for Wicklow? Why, that the House should abandon the plan proposed by his

hon. friend, because it did not go far enough for his purpose. But, if the suggestion of the hon. gentleman were to be acted upon, the House might abandon, in utter hopelessness, every plan that would be at all likely to alleviate that deep-seated distress which could never be sufficiently deplored. For himself, he was of opinion, that a rational system of emigration would lead to effects the most beneficial to the country, by affording facilities to its impoverished inhabitants of bettering their condition. And it was idle to deny that we must expect a redundancy of hands, in a country where mechanical science was carried to such a pitch of perfection. The effect of the recent improvements in machinery was, to throw upon the country a vast number of men who had hitherto supported themselves by labour. Such, for instance, had been the effect of the discovery of the power loom. It threw out of employment hundreds of thousands; if, therefore we were to go on improving in mechanics, as we had heretofore done, our working population must be thrown out of employment, according as new inventions sprung up to supersede the labour of man. Would it not, therefore, be an object the most desirable, that some good and efficient plan should be adopted, by which those poor unemployed persons might be rescued from a state of wretchedness and want, and raised to a race of happy and contented beings? He thought that, by making an outlet for the redundant population, permanent relief would be afforded to Ireland; for she would then be enabled to carry into effect the good she had already begun, by breaking up the system of division in the land, by which a man, perhaps, and his five sons, were wretched landowners rather than comfortable labourers. But, in order to effect this improvement, the impediment of a large pauper population must be removed. It was clear, then, that the amendment, which went to shut out inquiry, was not such as the House should attend to.—He was not then prepared to pronounce any opinion upon the two suggestions which had been commented upon by hon. members in the course of the debate; namely, the requiring from parishes to pay to government a remuneration for the expenses incurred in taking out the labourers, and thereby lessening the poor-rates; and the repayment of a sum of money from the emigrants themselves in the shape of quit rent. He should merely say, that they were questions deserving the most serious, minute, and attentive, consideration of a committee; but he should be sorry to pronounce any positive opinion which could, by any possibility, prejudice the discussion of those two measures. It appeared to him that, for the first experiment, men of fair and honest characters, and of industrious habits, ought to be selected, and if the parishes were to pay a certain sum for each labourer who should be sent out by the government, he was not prepared to say that the parish would select the most active and industrious parishioners for emigration. He did think, that the most minute inquiry ought to be made into the state of health, and into the habits, of every man selected by the parish, before he was sent out by the government; and also, whether the legal expenses which would be necessarily incurred by the payment of the money by the parishes, with other circumstances, would not counterbalance any good which could arise, even if both parties—the payers of the poor-rates, and the persons receiving those rates—should consent (and the consent of both parties would be absolutely necessary) as to the persons who should emigrate. Even in that case, the obstacles which would encumber the plan, might make it so difficult of execution, that he was not prepared to say that they were not deserving of the most serious consideration of a committee. Those difficulties would not be applicable to Ireland, because, in that country, there were no poor-rates; and, with respect to emigration from Ireland, some other method must necessarily be devised. As to the other suggestion, of requiring from the emigrants compensation for the expense incurred by government, it deserved serious consideration, whether or not the discouraging prospect of re-payment, before the eyes of the emigrant, might not operate as a temptation to him to quit his farm after he had exhausted it, and before the period of repayment should have arrived. It also deserved serious and minute consideration, whether, in case the scheme of emigration should be carried to a great extent, the government might not be amply repaid by another method, different from either of the two to which he had alluded. What could be more fair, than reserving to the government a portion of land, in the midst of the lands granted to the emigrants. It was

worthy of consideration, whether or not the government would, by a sale of those lands, in the course of ten or twelve years—when the lands on all sides of it should have been brought into a good state of cultivation, and when those lands allotted to the government would acquire a value, which they never would have acquired, if the surrounding lands were not in a state of cultivation—be repaid the capital advanced to the emigrants, for the purpose of cultivating their grants. He mentioned this merely to show, that if the plan of repayment by the emigrants was encumbered with difficulties, that the government might not necessarily be induced to give up the general policy of the measure, but that other plans might be devised, which would hold out, not an immediate, but a distant and certain prospect of repayment. It appeared to him, that the discussion upon the question ought to be reserved until after all those difficulties had been inquired into, and minutely examined by a committee, and some precise plan had been laid before the House. He had been induced to take that opportunity of stating these slight qualifications with which he gave his assent to the plan of his hon. friend, the colonial Secretary, and he trusted, that it would not be thought that the stating of those qualifications and difficulties proceeded from the slightest want of interest on his part in the proceeding; which, with certain reservations, had his most cordial concurrence.

Mr. *Hume* contended, that to employ 20,000,000*l.* in carrying to a foreign country one out of every eighteen members of our population, was a wasteful employment of the public capital, inasmuch as the void occasioned by such a measure would be made up in three years. In proof of his position, the hon. member read an extract from the evidence attached to the Report on Emigration; from which it appeared, that the void which had been occasioned in the population of the village of Marsden, in Kent, by the emigration of fifty-two of its inhabitants (which was one in eight), had been immediately made up by the arrival of fresh labourers from other places. He likewise argued, from the evidence of colonel Cockburn, that at the end of seven years from their first settlement, the emigrants would not be able to repay to government, or their parishes, the expenses of their emigration. The practical result of this project might be, to send away beggars from England, to make beggars of those who remained behind; for what other result could follow from sending 20,000,000*l.* out of the country, which, if left in, would be expended in some way or other among the working classes? Employment must always be in proportion to capital, and when so much floating capital was withdrawn from circulation, a proportionate quantity of employment must be withdrawn from the labouring part of the community. From all the information which he had been able to obtain, he was convinced that this project would, both immediately and ultimately, be a losing concern to the country. It had been said, however, that it would lead to increased prosperity. Now, if 20,000,000*l.* were to be divided in this country among the persons whom it was destined to take from it, it would produce to them an annuity of 15*l.* a year, and would keep them in comparative comfort. Besides, the evils of Ireland could not be cured by emigration. The system which prevailed in that country was bad, and required a stronger cure than that of emigration. If the House wished emigration to be productive of any good effect, they must repeal the absurd restrictions which they had placed upon it. At present, no emigrants could go direct to the United States. They must proceed thither by way of Canada, a regulation which imposed an additional expense of 10*l.* upon every person emigrating. The restrictions, however, were as useless in practice, as they were absurd in theory; for it appeared by returns published by the Emigration Society at Quebec, that out of one hundred and nine thousand emigrants who had arrived within the few last years in Canada from Great Britain and Ireland, only ten thousand were then resident in that country, and that the remainder of them had proceeded to the United States. Whilst he made these objections to the plans now proposed, he thought it right to state, that he was anxious to promote emigration upon sound principles, and to add, that the sentiments expressed by the hon. mover and seconder of the amendment were such as the House ought to follow; for if the committee was to do nothing more than bring in some measure, which was then to be postponed till next session, it would, by keeping the parties in suspense, aggravate the evil which it was intended to remove. He would not object to the

committee, though he was fully convinced that none of the plans which had been that night alluded to would be found beneficial. Useful information, however, might be elicited by a committee; and to the eliciting of such information he had always been, and always should be, friendly.

Mr. *Wilmot Horton*, in reply, said, that honourable members who had come down to that House, and attacked his plans, had evidently not read the printed report, upon which his measures were founded. Before he answered the attack made upon him by the hon. member for Bristol, he begged leave to notice an observation made by the hon. member who had just sat down, who had contrasted his opinion with those of his right hon. friend, the Secretary of State for the Home Department. He did not see that there was any difference of opinion between him and his right hon. friend. He might, individually, entertain opinions in detail, different from those of his right hon. friend, but, upon the general policy of emigration, he agreed with his right hon. friend, that it would be highly advantageous to the country and to the emigrants, and that the best means of securing the greatest benefit, advantage, and comfort, for them, could be ascertained only in a committee. He begged to remind the hon. members who were opposed to his plans, that there was a tribunal without, as well as within, the walls of that House, and by that tribunal, the tribunal of public opinion, he had no objection to have his plans, and his arguments in support of them, as well as the arguments of the hon. member, judged. As the hon. member for Aberdeen had spoken of "sound principles," he would state to the House something which had passed between him and that hon. member. That hon. member had told him, upon a former occasion, that his plans were contrary to "sound principles;" and, in support of his statement, he had quoted the authority of a well-known writer on Political Economy, Mr. M'Culloch. Now, would the hon. member give him credit in future for sound principles, when he told him that he had drawn up thirty questions upon this subject with care and attention; that they had been submitted one by one to Mr. M'Culloch, and that Mr. M'Culloch had answered them in a manner perfectly accordant to the view which he (Mr. Horton) had taken of them in that House? He implored the House not to be put down by any cant about sound principles; nor to confide exclusively in the views either of speculative or of practical men. The wisest plan would be to look attentively at both, and to decide as circumstances warranted. He was happy to say that speculative men were not hostile to the views which he entertained on this subject, and that several practical men warmly supported them. But let that be as it might, he was ready to abide by public opinion as to the correctness of his principles on this subject, which he had long considered with deep anxiety. He must complain of the hon. member for Bristol, for having drawn, as an inference from the fact of some of the settlers in Canada having had the ague in 1825, that the plan of emigration acted upon in 1823 had failed. If the hon. member would look to page 290 of the printed report, he would find there was a most elaborate and minute statement relative to the settlers who went to Canada. Their numbers, their names, the deaths, the produce of the land, the number of acres brought into cultivation, were stated; and opposite to the name of each settler, was a minute statement of his stock, and the number of acres cultivated by him. He pledged himself to prove before the committee, that the value of the property belonging to the settlers located by Mr. Robinson, amounted to 7,000*l*. Mr. Robinson, in 1823, located one hundred and eighty-two families, one hundred and twenty of whom were living on their grants in 1825, and only one had returned to Ireland. With respect to the opinion of colonel Cockburn, he could lay before the committee the colonel's recantation of that opinion. In that recantation he stated, that, at the time he expressed the opinion, he was satisfied of its truth, relying, as he did, upon the information which he had received from others respecting those settlers; but that, when it was proved to him, by documents, that those statements were unfounded, he had no hesitation in withdrawing his previous opinion. He denied that colonel Cockburn had ever said, that the emigrants could not procure a market for their commodities if emigration were continued. Every succeeding lot of emigrants would create a market for the produce of the former emigrants, provided emigration were continued on a regular plan. He begged leave to call the attention of the hon. member for

Bristol to what was stated in the Appendix respecting desultory emigration without capital. Was that hon. member aware of the deprivations endured by such emigrants? In the Report of the Quebec Emigrant Association, it was stated, that those emigrants were employed in breaking stones upon the road, as the association had resolved not to give any relief in the shape of money to able-bodied men. The complaint of those emigrants was the same as that which they had expressed at home; namely, want of employment. Such was the situation of settlers without capital; and such would be the situation of those men whom the hon. member proposed to set down in Canada, by the cheapest mode of conveyance from Ireland. How, he asked, was it possible for men thus thrown down, without capital, to prosper in a new country? He could assure the House, that the opinion in North America, respecting such emigration, was not such as had been stated by the hon. member for Bristol. The opinion entertained by all classes in North America, from lord Dalhousie down to the humblest individual, was, that "if we adopted emigration without capital, and the emigrants were to depend upon chance for employment, our plans of emigration would fail; and that the prosperity of the emigrants depended upon capital." The questions to be considered by the committee would be, whether repayment of the expense incurred by government, in making an advance of capital to the emigrants, was practicable, or whether the emigrants should be sent out wholly unprovided with capital. When he looked to the published evidence, he looked with confidence to the decision of the committee in favour of his opinions. He, for one, was glad that the evidence before the committee, and the plans of government, were published, because the publication would induce the public to turn their attention to the subject; and, by this means, suggestions would be made, which would enable parliament to come to a sound and practical conclusion.

The Amendment was negatived without a division. After which the original motion was agreed to, and a Committee appointed.

COMMITTEES OF APPEALS ON PRIVATE BILLS.] Mr. *Littleton* said, that the machinery of the resolutions which he had formerly introduced, relative to appeals on private bills, would be incomplete, if the House did not sanction an additional resolution, subjecting the party appealing to the payment of all costs and expenses, in case the committee of appeal declared the petition to be frivolous and vexatious. It was necessary that the House should do this with as little delay as possible, because he knew that one report at least was about to be presented, relative to which it was probable there would be an appeal. He had, some time since, proposed two measures for the purpose of carrying his object into effect. One was, to compel the petitioner to enter into recognizances to defray such costs as might have been incurred before the committee, in case the appeal should be considered frivolous and vexatious. Some gentlemen, however, especially those of the learned profession, had objected to this, on the ground, that there existed no precedent, where one branch of the legislature assumed the power of taking money from individuals. In all cases of that nature, it was observed, it must be the concurrent act of the three estates. He had next proposed, that the party or parties appealing should deposit a certain sum of money to meet the expenses incurred if the appeal should be considered frivolous and vexatious. Against that, however, it was objected, that where the parties were poor, the call for a deposit of money would effectually prevent the appeal, let the grounds of it be ever so just. He had, therefore, in the interval since the former resolutions were carried, endeavoured to collect the opinions of the gentlemen (especially of the legal profession) who had objected to these two propositions; and he had now their concurrence in the propriety of the resolution which he was about to lay before the House. His proposition was, that one or more of the parties appealing should enter into a penal bond, for a certain sum, covenanting to defray such costs and charges as might be incurred by the other side, in case the committee of appeal reported the petition to be frivolous and vexatious. The hon. gentleman then moved, "That no proceeding shall be had on any petition so referred to a Select Committee, unless the petitioner, or one of the petitioners, in case there be more than one, shall, within two days after presenting such petition, or within such further time as

shall be limited by the House, enter into a bond or obligation to the agent or agents, or some person named for that purpose by the agent or agents of the opposite party or parties, according to a form to be approved of by the Chief Clerk, or one of the Clerks Assistants of this House, in the penal sum of 500*l.* and with two sufficient sureties, to be approved of by one of the said Clerks in the penal sum of 250*l.* each, conditional, to be void, in case the said Petitioner, or Petitioners shall duly pay all costs, charges and expenses of the party or parties who shall appear before the House in opposition to such petition (such costs, charges, and expenses to be found and assessed by one of the Clerks of this House, for the time being) in case the said Select Committee shall report to the House that the said Petition appeared to them to be frivolous and vexatious."

Mr. *G. Bankes* was anxious that the question, which was of considerable importance, should be postponed to another night, in order that it might be properly discussed. In his opinion, the objections which were raised against the resolution which called on parties to enter into recognizances, applied with equal strength to the present proposition. If a man was poor, he could not enter honestly into a bond for 500*l.*, since he knew that if the committee voted his petition frivolous and vexatious, he could not meet it: and thus the right of appeal was virtually denied to him. Besides, how could they expect a poor man to procure two sureties in 250*l.* each? The resolution gave a great advantage to the rich man, while it precluded the poor man from seeking redress. In fact, he thought it was very unjust to impose on individuals the necessity of entering into such a bond. He did not wish that the expenses attending the private business of the House should be increased. On the contrary, he hoped they might be lessened; and if no other member made the attempt, he would hereafter bring before the House some proposition with the view of effecting a diminution of the expenses attendant on private bills. He was convinced that such expenses frequently operated as impediments to improvements in the country. To effect such diminution of the expenses would not affect the officers of the House, as they were not paid by fees; those fees going to a treasury fund. The expenses frequently operated as reasons for not applying for bills, or for not coming to the House to renew most useful acts respecting roads, &c. The parties were deterred by the expenses; they being 500*l.* or 600*l.* for each bill. There was no necessity for the enormous expense to which parties were now exposed. On account of the importance of the present proposition, and that it might be considered before a fuller House, he would move, "That the Debate be adjourned to Monday."

Mr. Alderman *Waithman* observed, that the expenses incidental to getting private bills through the House were enormous; and, instead of increasing them, some means ought to be devised for reducing them. He was of opinion that the debate ought to be adjourned.

Mr. *Tittleton* said, that the House could not be considered to be taken by surprise, as the measure had already been discussed twice. He understood also, that it had been agreed to in its present shape, by those gentlemen who, on the former occasions, objected to its adoption. He was anxious that the measure should be speedily disposed of, as he understood there were several reports ready to be brought up, and that in one of them an appeal was to occur. As the resolution did not possibly impose any grievance, but merely specified the mode in which a favour was to be granted, he was determined to take the sense of the House on the question.

Mr. *Batley* agreed with the hon. member for Corfe Castle in thinking the measure impolitic. It might also have the additional inconvenience of bringing the privileges of the House in contact with a court of law.

Mr. *S. Bourne* thought that all scruples on legal points might be silenced, when it was recollected, that the resolution was drawn up by the Attorney-general. Unless this resolution was carried, the other measure of the hon. member would be incomplete.

The House divided: For the Resolution 32. For the Adjournment 10.

HOUSE OF LORDS.

Friday, February 16.

Grant to the Duke and Duchess of Clarence.] On the order of the day, for taking his Majesty's Message into consideration,

The Earl of *Liverpool* said, he did not feel it necessary to trespass on their lordships with many observations in reference to the Address which he was about to propose; for, after the melancholy event that had recently taken place, and the situation in which the illustrious duke stood in consequence of it, he thought there could be no objection to a reasonable provision being made for him, under such circumstances. He knew that the measure must originate elsewhere: still he wished that their lordships should be informed of the nature of the proposition which was to be brought forward. By the death of the duke of York, a sum of 3,000*l.* a-year fell to the duke of Clarence, as well as to the other sons of his late Majesty. To that sum it was now proposed to add 3,000*l.*, a-year more, and 6,000*l.* as a further provision for the duchess, making in all 12,000*l.* a-year. He was quite sure that no one would say that this was too much, considering the situation in which the illustrious duke now stood as heir presumptive to the Throne. With respect to the duchess of Clarence, he could say, from the knowledge he had of the conduct of her royal highness, that it was altogether irreproachable and unexceptionable. Those who with himself had similar opportunities of witnessing her demeanor, would fully bear him out in this assertion. The noble earl concluded by moving an Address to his Majesty expressive of their lordships' concurrence in his Majesty's Message.

The motion was agreed to.

HOUSE OF COMMONS.

Friday, February 16.

GRANT TO THE DUKE AND DUCHESS OF CLARENCE.] The House having resolved itself into a Committee on the King's Message for a Provision for the Duke and Duchess of Clarence, and the said Message having been read,

The *Chancellor of the Exchequer* rose, and addressed the Committee as follows:— Sir; whenever parliament has been called upon on former occasions, to consider what provision ought to be made for the due maintenance of the station and dignity of different members of the royal family, the consideration of the degree of proximity which any individual of that family might have to the throne, has always been one of the most important elements of that consideration. In the case of his late royal highness the duke of York, that principle was acted upon, even before he came to be so near the throne as he was at the time of his decease; for, during the life of his late majesty, indeed during the life of the princess Charlotte of Wales, the allowance he enjoyed from parliament was greater, in consequence of his proximity to the throne, than that which was assigned to the younger branches of the royal family. It will, perhaps, be as well for me here to state, what the income assigned to the duke and duchess of York, under these circumstances, amounted to. In the first place, his late royal highness derived 26,000*l.* per annum from the consolidated fund. In addition to this, there was a pension on the Irish pension list, of 7,000*l.* per annum, making together the sum of 33,000*l.* The duchess had, for her own support, an annual income of 4,000*l.*, which, added to the 33,000*l.* enjoyed by the duke, made 37,000*l.* And it was thought, upon numerous occasions, when brought under the consideration of the House, that taking into view the relation which their royal highnesses bore to the throne, it was an allowance not more than sufficient for them to maintain the station in life which they were called upon to fill.—I will now state to the House, the income of his royal highness the duke of Clarence. That prince has a charge upon the consolidated fund of 26,500*l.* per annum, but he is without any allowance whatever for the duchess. The whole of his royal highness's allowance is, therefore, only 26,500*l.*: this is somewhat more than is assigned to the other junior branches of the royal family. It was considered but right that his royal highness should have 2,500*l.* beyond the other junior branches of the royal family, for a reason which I shall presently state. Sir, the income he now enjoys was assigned to him by various acts of parliament. The first act to which I shall allude, was passed at an early period of the late king's reign. It was to take effect after his death, and assigned to all the younger princes a sum of 60,000*l.* per annum, which was to be divided between them in equal portions, with benefit of survivorship, until the sum enjoyed by the survivors should have reached 15,000*l.* per annum each. The six younger princes, since that act came into operation, have enjoyed 10,000*l.* per

annum in consequence. This act was passed about the year 1778. On the death of the duke of Kent, the right of survivorship raised the sum of 10,000*l.* enjoyed by the younger princes, to 12,000*l.* It was under that law, then, that his royal highness the duke of Clarence receives 12,000*l.* a-year. In 1806 another act was passed, giving 6,000*l.* per annum additional to the younger princes of the royal family. This raised the amount of his royal highness's income to 18,000*l.* By another act, the date of which I do not now exactly call to mind, a further allowance of 2,500*l.* was made; but this ceased at the death of his late majesty. It was renewed in 1820. This made his royal highness's income 20,500*l.* When his royal highness married, a proposition was made to increase his allowance on that account. An increase of 10,000*l.* was, therefore, proposed to the House; but it was thought too much, and upon discussion was reduced to 6,000*l.* Under all the circumstances, his royal highness felt that it would be more becoming in him to decline to accept the reduced grant. He, accordingly, did decline it; and that grant, therefore, was never carried into effect. In 1822, I think it was, that the proposition was renewed of allowing him 6,000*l.* additional; as had already been done in the cases of the duke of Cambridge and another of his royal brothers. The House, I believe, almost unanimously consented; and this raised his royal highness's income to 26,500*l.* the sum I have already alluded to. It may be well for me here to state, that, in 1820, until the civil list could be settled, which did not take place until some months after the demise of his late majesty, the allowances to the different princes of the royal family were charged upon the hereditary revenues, which occasioned some confusion in the accounts of that year; but in June an act was passed to regulate their payment. It was, at the same time, re-enacted, that the portion of the duke of Clarence, and the other younger princes' income, which had ceased by the death of his late majesty, should be continued. That act secured the same benefit of survivorship which had before existed. The effect of that was, by the death of the late duke of York, to put his royal highness the duke of Clarence, into the possession of 3,000*l.* per annum beyond what he enjoyed previous to that event. This raised his income to 29,500*l.*; the law, at the same time, preventing the possibility of any further increase by right of survivorship, as that 3,000*l.* made the sum of 15,000*l.*, which was the limit the law had set to the operation of that right. I have thus explained to the committee the amount of his royal highness's income; but nothing, as I before stated, is allowed for her royal highness the duchess. I therefore propose to submit to the consideration of the committee, the propriety of placing their royal highnesses on the same footing, with respect to income, with that enjoyed by the duke of York. There are certain differences between them, which I beg leave to state. The late duke of York, in addition to his income of 33,000*l.*, had an allowance, as I before mentioned, of 4,000*l.*, on account of her royal highness the duchess. I shall, therefore, propose to add 3,000*l.* to the income of 29,500*l.* already enjoyed by his royal highness the duke of Clarence, which will raise his allowance to 32,500*l.* I shall further propose, that an annuity of 6,000*l.* per annum, be granted to the duchess during her husband's life-time. [A member called out, that that was, altogether, more than the duke of York had had.]. That is true; but, in looking at this matter, it is necessary to take into consideration the difference between the professional emoluments of the one and of the other. It has always been considered, that the duke of Clarence, in the profession he embraced, was placed in a less favourable position than his royal brothers who entered the army. It was on this consideration, that the 2,500*l.* I alluded to before was granted him, over and above the allowance made to the other junior princes. Upon these grounds it is, that I propose the grant. When matters of this kind are considered in this House, it is not considered necessary, and very properly, nor would it be consistent with dignity, to enter into any account of the personal merits of the royal individual, whose claims we may have under consideration. Grants of this kind are not made to the individual as an individual, but on account of his public station, and nearness to the throne. It is that which makes it the duty of this country to be liberal in its allowances to the members of the royal family. I therefore decline to rest the question upon claims of a personal nature; but I think I may say, with-

out departing from respect or delicacy, that her royal highness the duchess of Clarence, a stranger among us, is as eminent for the graces of her mind as for her virtues, and that, although not a British-born lady, is yet one of that long list, who have done honour to this country, by the graces and amiability of their disposition and propriety of their conduct. I hope, Sir, I shall not be considered to have transgressed, in having said so much. I do not consider it necessary to trouble the House at greater length; but one observation, and I have done. 'It was not known to his royal highness that this proposition was to be made, until the message had received his majesty's signature, and a copy of it was sent him. If the House should think proper to assent to the proposition, no doubt his royal highness will receive its decision with due gratitude; but this I am bound to say, that the part of it which his royal highness has regarded with the greatest pleasure, is that which goes to place the duchess, whose virtues and excellence he must necessarily have the best means of appreciating, in an independent and honourable situation. I move, Sir,

1. "That His Majesty be enabled to grant a yearly sum of money out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, not exceeding in the whole the sum of 3,000*l.*, to his royal highness the duke of Clarence, for the further support and maintenance of his royal highness.

2. "That His Majesty be enabled to grant a yearly sum of money out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, not exceeding in the whole the sum of 6,000*l.* to her royal highness the duchess of Clarence, for the further support and maintenance of her royal highness."

Lord *Althorp* regretted deeply that his majesty should have been advised to send down a message like the present to the House. If it could be shown, that in consequence of his change of situation, his royal highness the duke of Clarence would really be put to additional expenses, no doubt it was fit that he should be enabled to meet them; but, although he fully concurred with the chancellor of the Exchequer, that the personal virtues of the illustrious individuals concerned in questions of this description ought to form no feature in the deliberation of the House; and though he went further, and was ready to admit that the private conduct of the duke of Clarence, as it appeared before the country, had been marked by a degree of economy and domestic management, which, to the full as much as any of his royal brothers, entitled him to the attention of parliament; yet he did not think that any case for the grant had been made out, and he was sorry, for the sake of his royal highness personally, and for the sake of the royal family altogether, that, under the circumstances of the country, it had been demanded. With distress and ruin running through every part of the kingdom, and with a revenue deficient four millions in the course of the last year, some good ground indeed ought to be shown for asking for any addition to the burthens of the people. The right hon. gentleman had said, that it was the constant custom of parliament to give to the heir presumptive to the throne a grant beyond that allowed to the other members of his family; but he had not adduced a single proof in support of that statement. The right hon. gentleman had quoted the income of the duke of York when he was not the heir presumptive; but he had not shown that a single shilling was added to it when he fell into that situation; therefore there was no precedent for the grant made out at all. But, even if a precedent could have been found, he thought it would have been more to the honour of the royal family, if, in a moment of distress like the present, the demand had not been brought forward. He regretted that the message had been sent down, and that his view of what was his duty to the country compelled him to make these observations; but, feeling as he did, he had no choice but to oppose the motion.

Mr. *Hume* reminded the House, in the first place, that the duchess of Clarence had already 6,000*l.* a year secured to her by parliament.

The *Chancellor of the Exchequer* said, that that grant was only applicable in case of the duke's death.

Mr. *Hume*.—Well, the money, at all events, had been granted; but he would not go into that. Could the House, he would only ask, satisfy itself that it was doing its duty in the present state of the country, in voting a grant of 9,000*l.* a year to the duke of Clarence, in addition

to the 3,000*l.* which his royal highness had already got by the death of the late duke of York? The income which the duke of Clarence enjoyed from his appointments would make his revenue not less than 40,000*l.* a year. Could it tend to the honour of the Crown, or make the people satisfied with the system of monarchy, if that system, under such circumstances, was to be supported at such an expense? If the chancellor of the Exchequer looked at the paper which he ought to have in his possession, he would find, that the civil list of this country amounted to 1,557,000*l.*, great part of which was purely applicable to the maintenance of royalty. The civil list of Scotland furnished 200,000*l.* more; a large proportion of which was available for the same purpose. The pensions on the last year list, paid to members of the royal family (including the allowance to the prince of Saxe Coburg) amounted to no less than 234,500*l.* Now, in addition to this, we were called upon to vote 9,000*l.* a year more to the duke of Clarence, making the amount 243,500*l.* Let the House listen to the cries for economy and reduction, which were proceeding from all parts of the country. N' other assembly in the world would turn a deaf ear, as the House was doing, to the prayers of the people. A member of the government, the hon. Secretary for the Colonies, had alluded, only a night past, to a petition from the town of Blackburn. That petition he had presented; and the title of it was, "The Petition of the Starving Weavers of Lancashire." Thousands of workmen were out of employ in that town: men, women, and children had died, or were perishing, of actual hunger. Their prayer to the House was, that something might be done which would provide them with sufficient food of the vilest kind, only to support nature: and the answer was, a motion for an additional grant of 9,000*l.* a year to the duke of Clarence! Calls of the same description with those from Blackburn were coming from Manchester, from Glasgow, from almost all our manufacturing towns. There was a deficiency in the last year's revenue of more than 5,000,000*l.*; and yet the House was told, that we had an effective sinking fund of 5,000,000*l.*; and was called upon to vote more money away! No man in the House was better aware than himself of the humane and charitable disposition of the duke of Clarence. He knew that to various public institutions, his royal highness had devoted much of his particular attention. He believed, too, that his present majesty had the character of being as humane as the other branches of his family; and if that was the fact, he was utterly unable to believe that ministers had truly laid before him the state of the country. He could not believe that his majesty, with the knowledge of the real state of so many thousands of his subjects, would have sent down such a message as the present to the House. If the truth could be known, he believed it would be found that the message was not that of the king, but of the ministers who sat opposite, and who had advised his majesty to take this course, that they might worship the rising sun, and give an example of their prompt obedience to the power that was likely to be; as had been done in the case of the allowance to the prince of Saxe Coburg on his marriage—a case of the most profligate inattention, on the part of both sides of the House, to the interests of the country. At this moment, too, an application of this kind came with peculiar ill grace, for only a few days had elapsed since, in pursuance of the king's letter, the aid of the church was called in, to institute collections for the relief of the distressed manufacturers; a step which he lamented, because nothing was more derogatory to the kingly dignity, than that his majesty should have been advised to ask alms of his people, to save their fellow-creatur s from starvation. All who felt as he did for the honour and dignity of the Crown, must have lamented that the state professed itself unable, by any other means, to procure relief for the famishing poor. It was most humiliating and painful to have lately seen the beadles and parish officers passing from door to door, and for what?—to beg alms, by virtue of the king's letter, for the starving and distressed manufacturers. Was it, then, he would ask, consistent with that measure which avowed the inability of the government to afford any public pittance in the cause of suffering humanity, to come forward with such an application as this? What amount of subscription had the king's letter produced? What pittance was furnished by that only means which the government had advised his majesty to resort to, for the relief of starving

Englishmen? Had it produced as much as was now called for, merely to give one year's addition to an already princely income? Had it produced half the 9,000*l.* a year now demanded? Under such circumstances as these, he would not hesitate to say, that the ministers who had advised his majesty to recommend these begging applications from door to door, ought not to have ventured, within a very few weeks, to have acted so much in contradiction to such a recommendation. If, in the present situation of the country, the parliament could find any money to spare, let them give it to those who had a prior claim on their sympathy: let them give it for bread to their fellow countrymen, who were dying for want of it; and let them refrain from becoming parties to rendering the royal family odious in the eyes of the people over whom they were destined to reign. This was, forsooth, a pretty time to call for an addition of 9,000*l.* a-year to an income which was already 29,000*l.* If they looked even to the principle of these royal grants, they would in vain seek for a precedent for such a motion as this. The million a-year composing the expenditure of what was called the civil list was given to sustain the state and paraphernalia of royalty. What state was the duke of Clarence particularly called upon to assume in his present situation? If there were any man in England of high rank who bore more than another a character for attention to economy in his expenditure, and to a disregard of expensive and showy forms, that person was the duke of Clarence. As a plain and good Englishman, imbued with proper feelings, his royal highness stood above all these considerations. Indeed, the chancellor of the Exchequer had disclaimed putting the merits of the motion upon personal grounds, and strictly confined it to the claim of rank. Then taking him at his word, he would ask, had not the duke of Clarence at present enough for the rank which he wished to assume? Was he, in fact, in the habit of spending what he already had in the maintenance of rank? If he was not, then more was superfluous. It was uncalled for, and therefore unnecessary. Referring for a moment to the civil list, he thought that of late years, a large portion of it had been completely wasted: the expenditure had not been properly attended to, so that the ministers ought rather to have been advised to come down to that House, to recommend its reduction, than to call for any addition to the civil list, in the present circumstances of the country. He was amazed at the present proposition. He wondered how it was possible, with such misery apparent all over the country, that any man, bearing the human character, could venture gravely to ask for this grant; at any rate, he must express his astonishment that his majesty's ministers, bearing, as he knew they deservedly did, characters for benevolence and humanity, at least such of them as were in that House—[laughter and cries of "hear."] It was certainly rather invidious for him to make exceptions; but when he alluded to the ministers in that House, he could speak more of his own personal knowledge of their characters, and could therefore bear direct testimony in their behalf. Speaking from this experience, he should hardly have thought it possible they could have persuaded themselves to make such a proposition. Made as it was, however, he entreated the House to pause before it sanctioned the claim, and to allow itself time to hear the expression of the public voice upon it. Let the voice of the people guide them this once upon the question, and they would, in the end, find that they had taken the right course in not yielding implicitly to the wish of ministers. He would particularly address himself to the right hon. Secretary for the Home Department, and ask him how he could reflect with satisfaction upon this act, when he had before him various supplications from Glasgow alone, where above ten thousand artisans were borne down by want to the lowest pitch of human misery? How was it possible he could countenance the present application for 9,000*l.* a-year additional to an income of 29,000*l.* a year, with the cries of tens of thousands of distressed operatives in his ear, who, though dying for want, were nevertheless not betrayed into any disobedience of the laws. He begged pardon for dwelling upon this subject, but he had no hesitation in asserting that if the House yielded to this claim, they would be acting without a due attention to the interests which they were expressly bound to guard. He hoped they would not consent to please a few, at the expense of the many. Better, far better would it be, to see the latter comfortable, than to grant this ad-

ditional sum of money; especially when it was distinctly avowed that the royal personage had not called for it. He absolved the duke of Clarence from any participation in the odium of this application. It was the act of the king's ministers, and that House ought not to yield a passive obedience to such personages. It was a question involving the honour of the House, the honour of ministers, and the honour of the royal family. There ought to be time allowed for the consideration of such a subject; and with that view he should move an adjournment of the debate, not for the purpose of committing members to oppose the grant, but merely to enable them to decide upon it after more mature deliberation. He should, therefore, conclude by moving, that the chairman report progress, and ask leave to sit again.

Colonel *Wood* expressed his regret, that the noble lord and the hon. gentleman should have opposed this motion, which he had hoped would have passed unanimously. He could not by any means see what injustice was done the country, by placing the heir presumptive upon the footing of his predecessor. Nothing was, he knew, more unpleasant than to provoke individual comparisons; yet it was almost unavoidable upon such an occasion as this. He would then say, that either the income granted to the late duke of York, thirty years ago, was most extravagant, or there could not be any impropriety in the present claim? Why was 39,000*l.* a year not deemed an improvident income for the duke of York, if the proposed augmentation for the duke of Clarence were thought unreasonable. How were they to escape from this dilemma? As to the argument about the condition of the country, it was not a liberal way of treating a question of this sort to put the distresses of the country in contrast with the allowance necessary for the due maintenance of the royal family. He sincerely believed that the people would never wish to see their royal family straitened in circumstances; but, on the contrary, would always prefer to see the Throne surrounded with dignity and just splendor. The hon. gentleman was wrong in arguing this proposition, as if it were a call upon the country for an additional grant of 9,000*l.* a year from the public burthens. It was no such thing: the case stood thus. A large saving had just fallen in by the lamented death of the duke of York; and it was merely intended, that this saving should be less by the grant of this particular sum to the duke of Clarence. The people, he was quite sure, deeply regretted that the late calamity had occurred, and would have much preferred to have continued the payment of the duke of York's income, if his valuable life could have been preserved. To the truth of what had been said of the duchess of Clarence, he could speak more particularly from the circumstance of his residing at no great distance from the duke's residence. He could speak positively of the universal opinion which prevailed there, of her royal highness's benevolence, and likewise of the habits of economy to which the duke adhered, as far as was consistent with his high situation. He sincerely hoped that the opposition to this motion would be withdrawn, and that it would be carried unanimously.

Mr. *Curwen* regretted that this question had been brought forward, for nothing could be more painful to him than to give the vote which his sense of duty called upon him to give. If the country was able to afford this grant, he had no individual objection to it; but when he knew that, from one end of it to the other, the cry of distress was general, he could not, without a violation of duty, hesitate to oppose it, and he was ready to do so at once, for he required no postponement to make up his mind upon it. The circumstances of the country imperatively called for economy, and the refusal of this grant would, he hoped, be the prelude of their performing similar acts of justice to their constituents.

Mr. *Monck* concurred with his hon. friend, in his expression of pain at being obliged to oppose this motion. He had not heard a single argument from the chancellor of the Exchequer in favour of it. It was in vain to refer to the addition made to the incomes of the royal family in 1806; for that addition was expressly called for, on account of the rise in the price of all the necessaries of life. The act of 1806, therefore, furnished no precedent for such a claim as this. Were the royal family alone to have a reserved interest in the fluctuations of the price of provisions, and were the people never to have a similar chance in their favour? Willing as he was to support the due splendor and dignity of the royal family,

he never could consent to such a grant as this. He disliked these attempts to make the monarchy too expensive for the means of the nation, and to provoke comparisons between its cost, and that of the forms of governments in other countries. Like his hon. friend, he preferred the manlier course of meeting the motion with a direct negative, than calling for further time to make up his mind upon the vote which he ought to give.

Mr. *Brougham* expressed his regret at being obliged to concur in the view taken of this question by his noble friend, and the other hon. friends who had preceded him. No man could be more willing than he was, to lend his humble assistance to every measure which was calculated to support, on a just and splendid scale, the state and dignity of the royal family; and if any case of exigency could be made out to justify the present claim, he should have no hesitation to assent to it. But, had ministers attempted to press a case of exigency? No. The question rested plainly on this simple statement—that the melancholy event of the demise of the duke of York had imposed upon the duke of Clarence, as a consequence, the necessity of incurring a greater expenditure, in maintaining his rank, than he had been previously called upon to incur. Where was the proof of this necessity? Where had it been shown, that his royal highness had any estate or dignity necessarily to support as heir presumptive, which he had not equally to maintain in the lifetime of his brother? If it could be shown that his royal highness's present income was insufficient for his proper and becoming scale of living, and that it was fit and reasonable it should be increased now that he had become heir presumptive, then the case would be different; but the chancellor of the Exchequer had made out no such case: he had not even attempted to state it: his claim was, therefore groundless, and must be considered as untenable. He had said, indeed, that on former occasions of settling the income of the royal family, regard had been had by parliament to the consideration, whether or not the prince of the blood was in the immediate succession to the throne. That assertion was incorrect; for no such distinction had been marked out on the occasions alluded to. Certainly, none had been taken in 1806, when the 6,000*l.* additional had been made to the incomes of all the royal princes, except in the instance of the duke of York's larger income, which had been settled long before; and no distinctive allowance had been required for the heir presumptive. Indeed, so far as the duke of York was concerned, the attempt to create a precedent for a higher income for an heir presumptive must totally fail; for, at the time when these allowances were fixed, his royal highness was not the heir presumptive, the then prince of Wales, his elder brother, occupying that high station; nor was the duke of York so elevated, until after the lamented death of the princess Charlotte, when no claim of larger income was made in his behalf. The increased income of the duke of York was, therefore, not estimated by his rank as heir presumptive, he not being so at the time, but was framed in the year 1792, upon his marriage, and with reference to the scale of his then necessarily increased establishment. The duke of York received his increased allowance in 1792, undoubtedly not because he stood in a different relation, as a member of the royal family, from his younger brothers—not because he was heir presumptive, for he held not that seniority—but solely on account of his marriage settlement. This was capable of demonstration, by a reference to the discussions upon the subject in the year 1792, and also in 1806.—It was, then, he thought, quite clear that there was, in fact, no superior scale of income established, or even recognized by precedent, for an heir presumptive, as contradistinguished from the other younger princes of the royal family. Very different, indeed, was the condition of the heir apparent. In his case there was clearly, legally, and justly, a superior claim; for he was called upon to maintain a higher and a more responsible station. The king and queen, the queen consort, the heir apparent, and princess royal, were severally distinguished by law from all other members of the royal family. It was fit, then, when the law raised them to marked places of superior privilege and dignity, that parliament should give effect to the constitutional principle of such selection, by enabling them suitably to maintain their higher privileges. But no such distinction prevailed as to the heir presumptive. He was not called on to support more state than any other junior

branch of the royal family. He was not called on to undergo any extraordinary expenditure to support his rank; and the only question, then, ought to be, was he sufficiently provided for already? It was surely for those who called now, for the first time, for this increase, to make out a case, showing in what the difference consisted in the situation of the heir presumptive from that which he had previously enjoyed as a member of the royal family, and how far it involved an increase of expenditure? Viewing the question, therefore, in this light, it was with great regret that he found himself compelled to call for further time, to inquire more maturely into the new circumstances in which the heir presumptive was supposed to be placed. Something had been said of the manner in which the grant of 1792 had been conferred; and the hon. colonel had urged, that if it were not wrong at the former time, it could not be improper now. All he should say in reply to that argument was this—that very possibly it might have been right in 1792, and yet that it was a precedent which it would be wrong to follow now. He was one of those who thought, that if the times had been as bad in 1792 as they were at present, probably the large grant would not have been voted at all; but, whether it was right or wrong, it was no part of their present business to inquire, for it clearly failed to furnish a precedent. They were now called upon to add 9,000*l.* a year to the income of a member of the royal family, at a time of unexampled public distress. The hon. colonel had told them, that this addition would not impose a new burthen upon the country; but it was a fallacy to say they would not save this 9,000*l.* a year, and therefore to that extent relieve the public burthens, by retaining the benefit of the income which had just fallen in by the death of the duke of York. The hon. colonel asserted, that the country did not look very close at these matters, and was sure they would have preferred continuing to pay the larger income, rather than endure the calamity of his royal highness's death. He concurred with him in this appreciation of the public feeling; and it was just and right it should be so; but, because this saving of income did, in the course of nature, fall in, was it to be squandered at such a crisis as this, when the national finances disclosed a deficit of so many millions over and above its resources—a crisis when distress pervaded all ranks of the community, and imperatively called upon the representatives of the people to save the last shilling they could retain of the public expenditure?—With reference to the illustrious individual for whom this grant, though unasked by him, was intended, he entirely agreed in the respectful sentiments which had been expressed towards him. But this was a question in which, undoubtedly, personal considerations ought not to be mixed. True it was, that the duke and duchess of Clarence had the least possible reason to deprecate the consideration with reference to persons; for they could, at least, upon public and private grounds, from the unanimous and unequivocal testimony borne to their character by those who had the best opportunities from personal intercourse of knowing it, meet the application of any such personal allusion. Nevertheless, he repeated, that he deprecated personal allusion here, for it was foreign to the present question. The House was now called upon to regulate his royal highness's income upon an increased scale, because of his being heir presumptive to the throne. There was no reference either to recognized public station, or private character, but a mere assumption of rank. There was, in fact, no argument whatever to call for the additional grant. It was, therefore, with deep regret, that he felt himself called upon, by a sense of public duty, to oppose the motion, having heard nothing that could justify him in giving it the sanction of his vote.

Mr. Secretary *Peel* admitted, that there was no subject so unpleasant as one like this, which referred to circumstances somewhat of a personal nature, and particularly when they applied to the condition of the royal family. When he was called upon to justify the proposed grant, he felt the difficulty, if not the impossibility, of demonstrating that 9,000*l.* a year was the sum that ought to be added to the income of the present heir presumptive to the throne. Indeed, if the case admitted of so precise a calculation, the details were of such a nature, that rather than enter minutely into them for the purpose of demonstration, he would prefer leaving every gentleman who heard him to draw the line of estimate in his own mind, and apply his computation to the amount now called for. The question was, he thought, really this. Was an addition of 3,000*l.* a

year to the income of his royal highness the duke of Clarence, and of 6,000*l.* a year to his consort, since he had become heir presumptive, a reasonable claim or not? That, and that only, was the consideration into which he had hoped the House would have entered. He admitted that the present was a time when the imposition of any considerable expenditure ought, as much as possible, to be avoided. He likewise admitted, that even the expense of the decent splendor of royalty itself ought to be closely examined, and not be permitted to run into excess; still he would say, that the circumstances of the country were not such as to preclude the adoption of this grant, provided it were reasonably proportioned to the expenditure which the heir presumptive was called upon, from his high station, to incur. He repelled the odious charge which the hon. member for Aberdeen had presumed to cast upon himself and his colleagues, that they were influenced, in bringing forward this proposition, by a desire to curry favour with the personage next in degree to the reigning monarch, and contrasted that unworthy charge with the more candid admission of the hon. and learned gentleman opposite, that the real question had no reference whatever to personal considerations, and that he met it upon a sense of public duty alone. He gave that hon. and learned gentleman full credit for being influenced by such a motive; and, was it too much for him to claim in return for his majesty's ministers, that they had recommended this application—upon their own responsibility, and certainly not advised to do so by the duke of Clarence—from public considerations alone? He could assure the House, that the motion proceeded from better motives than any desire to recommend themselves to the grace and favour of the heir presumptive. He was ready, then, to put the question on the ground called for by the hon. and learned gentleman, and to say, that he honestly believed there would be that amount of additional expenditure, in the establishment of his royal highness the duke of Clarence, consequent upon his being placed in the situation of heir presumptive to the throne. He, likewise believed, that in that very situation, he would be exposed to claims of private benevolence, which, upon grounds of public importance, it was desirable he should be in a condition to satisfy; but, it was contended, that the precedent of the duke of York's grant, did not apply to this case, because he did not stand, at the time of its arrangement, in the situation of heir presumptive. Perhaps, arguing the point with the precise definition of an abstract question of dry law, that might be true; but, practically, the case was different, and in point of fact, even supposing that the duke of York's larger income did not accrue to him as heir presumptive, the precedent *à fortiori* applied stronger in favour of the duke of Clarence; for in the former it appeared that, though not standing in the first degree, that income had been deemed necessary to support the royal duke in his marriage establishment. He must beg leave to correct the hon. and learned gentleman in his assertion, that when the duke of York's income was fixed, and even in the subsequent arrangements respecting the establishments of the members of the royal family, the proximity of his late royal highness to the succession to the throne, compared with that of his younger brothers, had not been taken into the consideration. Mr. Pitt had expressly said—"Do not think that this grant is an injustice to, or hardship upon, the rest of the royal family." It was proposed to vote so much to the duke of York, and so much to the duchess, making 33,000*l.* for the duke, and 4,000*l.* for the duchess. A judgment upon this question must be formed upon the united considerations of many circumstances which, as he had before observed, it was painful to touch upon. Many of them singly might be of little importance, but he contended, that the aggregate of them were of considerable weight; and, in discussing this subject, he could not dismiss from his mind, that when this 37,000*l.* was granted to the duke and duchess of York, the duke was in possession of other property arising, it was true, from other sources and from other quarters. The income of the duke of York was nearly 50,000*l*, a year: it was, he believed, as near as possible, 49,000*l.* Now, the income of the duke and duchess of Clarence, who stood in precisely the same situation with the duke and duchess of York, would not, in the event of this grant being carried, exceed 38,000*l.* What the hon. and learned gentleman had said about the law recognizing only the heir apparent to the throne, and passing over heirs presumptive, was perfectly true. He was quite as well aware of this fact as the

hon. and learned gentleman was; but why did the law not recognize heirs presumptive, and why had the House invariably considered them? Could there be any other reason, except that their claims to the throne were equally well founded with those of heirs apparent? In this case, were not the claims of the heir presumptive, in all human probability, as well founded as those of any heir apparent could possibly be? As to the case of the princess Charlotte, it must be recollected, that that princess was neither heir apparent nor heir presumptive; and yet her situation induced that House to allow greater resources for the maintenance of her rank and station. He must therefore say, that he did not think this grant of 9,000*l.* at all too much. If the hon. member for Aberdeen had thought proper to exaggerate all the circumstances connected with this matter, and say that these 9,000*l.* would furnish bread for many needy and distressed persons, he would answer "So would every other grant." And would there not, in all probability, be found distressed objects, upon whom such sums could be bestowed? Was not the honour and dignity of the Crown to be considered, as well as the distresses of individuals? And yet every grant to the Crown and to the royal family might be met by the hon. gentleman with precisely the same argument. That hon. gentleman had expressed his astonishment, and represented it as disgraceful, that his majesty had, by his advice, called in the aid of charitable individuals to the relief of the distresses of the country. Of the relief thus obtained, that hon. gentleman, by the bye, knew so little, as to call it 6,000*l.* He believed that nearly 50,000*l.* had been raised. So far, too, was he from considering that the advice he had given to his majesty reflected any disgrace upon him, or upon the government, that, if the same circumstances were unhappily to require the same remedy, he would not hesitate for a moment to recommend it. So far, indeed, from considering that the means which had been thus adopted, either with respect to the distress in Ireland, or the more recent afflictions of this country, were derogatory to the character of the government, he was prepared to contend, that they bore a very different character. Did not the hon. member know, that if it had been thought expedient to apply 100,000*l.*, or any other sum, to the distresses of the manufacturing districts, it might have been had most willingly. But he ought at the same time to recollect, that the committee which sat then, and still sat, at the London tavern, were decidedly of opinion, that no such measure ought to be adopted. They deprecated, indeed, any such exertion of the royal prerogative, as likely to become a pernicious precedent; and declared their conviction, that it was much better that the funds should be supplied by private subscription than by public aid. These were the only considerations which had influenced him in the advice he then gave, and in the course he had followed; and he could not but regret, that the hon. member, in the opposition which he thought proper to give to the present motion, had chosen to mix up topics which had no possible connection with the question; and, instead of following the steps of the hon. and learned member and the noble lord, who preceded him, and whose opposition and whose protest were founded upon public grounds, had attached to the question arguments and accusations which bordered very strongly upon invidiousness.

Mr. *Abercromby* said, that, in his opinion, this proposition ought to be considered on public grounds. The plain and simple question was this: The duke and duchess of Clarence had an income of about 30,000*l.* a-year; and he was to ask himself, whether, in the present situation of the country, he should be justified in voting an additional grant of 9,000*l.* a-year. If any reason had been assigned for this increase, he should have been most willing to have listened to it, and if it had been a satisfactory one, to have allowed its full force; but, in the absence of all reason, either satisfactory or unsatisfactory, and having a public duty to perform, he should refuse his assent to the proposition. The chancellor of the Exchequer had repeatedly used the expression "proximity to the throne." This expression he could not understand. Was there any reason why the duke of Clarence should enter more into public life now than he had done before? He would say, that if a prince wished to establish himself in the affections of those who would, in all probability, at some future time, become his subjects, he would effect that object in a far better manner by leading a quiet and retired life, and that he might learn a lesson from the consequences which had resulted from other heirs apparent deviating from that line of conduct.

A time more unfavourable than the present could not have been pitched on for the introduction of such a measure. He was convinced that he was about to give an honest and conscientious vote, and that by that vote he showed himself a better courtier than the right hon. gentleman opposite; because by that vote he established more strongly the honour and dignity of the Crown. The vote he was about to give would prove him to be a far better courtier than the right hon. gentleman who had introduced this proposition; for it was a vote which, so far from weakening the affections of the country for the monarchy and all connected with it, would strengthen its claims upon the people. As to what had been said about the case of the duke of York, it was impossible to make that case in any manner bear upon the present. The situation of the late duke of York, in 1792, was shortly this; his father was then on the throne; his brother was prince of Wales; and he himself was neither heir apparent nor heir presumptive. If the case of his late royal highness was to furnish the argument upon which the present proposal was to rest—and the House, upon this question, was to be governed by precedent,—that was a precedent which fell short, as regarded the subject matter of the proposed vote: for, if the case of his late royal highness was to be taken as a precedent at all, then the House ought to go one step further in this grant to assimilate it; but that that further step should be taken, no one had any desire. But the truth was, the present case did not at all follow the other. The words "proximity to the Crown" might have found their way into such former grant; but what was the true meaning of the word "proximity" in such a situation, certainly did not now appear. It was a word of so vague a signification, and conveyed to his mind, so indefinite an idea, that, in viewing the present question, he entirely discarded it from his mind. Then, again, as to the case of the princess Charlotte of Wales—that was one, likewise, essentially different from this. Her father was Regent at the time, with every probability of actually succeeding to the throne; and she, herself, stood in the situation of heiress presumptive to the throne. This being so, her case could not be considered an extension of the principle upon which the present grant was asked for. At all events, he was quite satisfied that this additional burthen ought not to be put upon the country in its present distressed state.

Mr. *Calcraft* observed, that it had been agreed by every gentleman, who had spoken on the subject, that this was a very painful topic. If, however, it had been so painful to every one who had addressed the committee, it was doubly so to himself, because in that discussion, he must reluctantly differ from those with whom he generally agreed. He should, therefore, proceed to state shortly the grounds upon which he concurred in the motion of the chancellor of the Exchequer. And, in the first place, he must declare that he dissented from his hon. and learned friends upon that point, which was a point of opinion only; namely, that a prince of the blood can change his situation from that of a younger branch of the royal family, to that of heir presumptive to the throne, without being involved in a great additional expenditure. He was clearly of opinion that he could not. Into the details of that increased expenditure, he would not now attempt to enter; but, if he conscientiously thought that such increased expense would be incurred by the illustrious person in question, he should not be an honest man, if he did not vote accordingly. But he did think so, and, therefore, he should, most unquestionably, concur in this vote. He had another reason for doing so. He could not dismiss all consideration of precedent on this occasion. He could not but remember, that when the late duke of York, whose death was so universally deplored, stood in the same situation as the duke of Clarence stood in now, he had an infinitely larger income than his royal highness would possess, even with the addition of the grant now in question. Nor could he forget, that the late princess Charlotte—who did not stand at the time in the same near relation to the Crown, but was merely daughter of the regent, with, undoubtedly, the probability of succession to the Throne in her favour—had an income allotted her of 50,000*l.* per annum. Why, then, not only had that which they were now called upon to do, been done in those other cases already; but he must be allowed to remark, that, in the present instance, it ought to be done. Not only were the precedents for the proceeding, but he must contend that they would pass a slight upon the duke of Clarence, under present circumstances, if they did not raise his in-

come to somewhat the same scale which they had observed in their grants to other branches of the royal family, in similar situations. In regard to personal considerations applying to his royal highness, but one tone had pervaded the whole debate. No member had suggested any thing which could detract from the general opinion which had been expressed in his favour; all seemed to be agreed, that, so far as regarded personal character, it was impossible to indicate two more deserving and excellent persons than the duke and duchess of Clarence. One word, before he sat down, the general distress of the country. He acknowledged it—he deplored it—and he did hope that, in the course of the session, they would do all in their power to remedy it. But he differed again from his hon. friends, as to what would be the feeling of the country upon this vote. He was convinced that the mass of the people would acknowledge the justice of this grant, even those among them who were in the most lamentable condition. He was sure that when it came before them as a question, whether it was proper to vote an additional 9,000*l.* a year to the heir presumptive, or to adopt the course recommended by his hon. and learned friends, there was not a man among them who would think the hardship of his own situation aggravated by the passing of such a vote. In point of fact, he thought there was not a man in the empire who would not readily concur in this grant; but if, unfortunately, the distresses of the people should so far pervert their understandings, as to make them indisposed to concur in it, he, for his own part, should feel that he could not do less than support the vote proposed by the right hon. gentleman.

Mr. *Fergusson* said, he had not the honour of being known to many members of that House, but he believed, that such hon. gentlemen as did know him, would admit that he was the last person who would be likely to court favour or propitiate power, by giving his acquiescence to any measure that he did not think himself conscientiously bound to support. He felt himself, therefore, bound to declare, that he must vote for the present grant, because he was convinced that the situation of his royal highness was materially changed, and that he could no longer remain in his present state of retirement. The simple question was, whether they would leave the immediate heir of the Throne in a situation not even so affluent as some of the nobility, or whether they would enable him to answer the demands which must be made upon him in the condition to which he had been elevated? He was convinced that they ought not to leave his royal highness so; and he was equally convinced, that the vote he was about to give would not prove an unpopular one. It was a public measure, for the support of a public object.

Mr. *John Martin* said, that the two hon. members who had last addressed the House, appeared to be quite certain that instead of this being an unpopular motion, it would meet with the unqualified approbation of the country. Now, if this were really the case, he should propose that his majesty should send another Letter to the bishops, and direct them to endeavour to raise this 9,000*l.* by voluntary subscription, in the same manner as the relief for the distressed manufacturers had been procured. For his part he did not see the popularity or the propriety of the grant, and must, therefore, give it his decided negative.

Mr. *George Robinson*, although he usually voted with ministers, yet felt himself bound, under the present circumstances of the country, to give his negative to the proposed grant. It was not, in his opinion, one of those exigencies which called upon them to make such a sacrifice; and without entrenching in any manner upon the respect due to the royal family, he thought the House ought not to impose any additional burthen upon the people.

Mr. *Hume* said, that several hon. members had asked why he had not negatived the grant, instead of proposing that the discussion of it should be put off. He had adopted the latter course, because he had hoped that if ministers had time for consideration they would withdraw their proposition, and that to have negatived the grant would have appeared something like a reproach to the Crown. The hon. member was proceeding to make some further observations, when he was interrupted by loud cries of "Question." Upon which the House divided—For Mr. Hume's Amendment 65. Against it 167. Majority for the Grant 102.

List of the Minority.

Abercromby, hon. J.	Bernal, R.
Baring, W. B.	Birch, J.

Brougham, H.	Marshall, W.
Brougham, J.	Monck, J. B.
Carter, S.	Morpeth, visc.
Clements, Lord	Ord, W.
Clive, E. B.	Ponsonby, hon. W. S.
Curwen, J. C.	Poyntz, W. S.
Ducane, P.	Protheroe, Ed.
Duncannon, Visc.	Ramsden, J. C.
Duncombe, T.	Robinson, G.
Dundas, hon. G.	Robarts, A.
Easthope, J.	Rumbold, C.
Fazakerley, N.	Sebright, sir J. S.
Fergusson, sir R.	Sefton, earl of
Fortescue, hon. G.	Sharp, R.
Graham, sir J.	Smith, W.
Harvey, D. W.	Stewart, J. (Beverley)
Howick, visct.	Stuart, Villiers
Hume, J.	Sykes, D.
Hutchinson, C. H.	Thomson, C.
Kennedy, F.	Tufton, hon. H.
King, hon. R.	Waithman Ald.
Labouchere, H.	Warburton, H
Lennard, T. B.	Western, C. C.
Lester, B. L.	Wilbraham, G.
Leycester, R.	Wilson, sir R.
Lombe, E.	Winnington, sir T.
Maberly, J.	Wood, J. (Preston)
Macdonald, sir J.	Wood, J. (Grimsby)
Marjoribanks, S.	Wrottesley, sir J.
Martin, J.	TELLER.
Marshall, J.	Althorp, visc.

EXPENDITURE AND INCOME OF THE COUNTRY.] On the order of the day for going into a Committee of Supply on the Ordnance Estimates,

Mr. *Maberly* rose to oppose the Speaker's leaving the chair. He was, he said, induced to do so, principally for the same reason that he had stated on a former evening, when the Navy Estimates were brought before the House; namely, an unwillingness to concur in voting any Estimates, until the House should be put in possession of what were the probable resources of the country, from which these Estimates were to be supplied. The receipts and expenditure should be laid before the House, and an opportunity should be afforded of comparing them with the amount of the estimated receipts and expenditure contained in the statements of the chancellor of the Exchequer. If this amount was laid before the House, he apprehended there would be found a great defalcation, from the expectation of reduced expenditure, which the right hon. gentleman had, from time to time, held out to the House and the country. With a view of ascertaining what comparison the real expenditure and income of 1826 bore to the estimated one of the chancellor of the Exchequer, he had moved for an account of the nett public income in the year ended the 5th of January, 1827, after abating the expenditure thereout, defrayed by the several revenue departments, and of the actual issues or payments within the same period, exclusive of the sums applicable to the redemption of funded property. From that account, which had been since printed, he observed a very great falling off from the prospect formerly held out to the country by the chancellor of the Exchequer. He regretted to say, that there was so great a defalcation as from 3,000,000*l.* to 4,000,000*l.* The House would bear in mind, that it was provided that there should be a sinking fund of 5,000,000*l.* of unredeemed funded debt, which, together with interest on redeemed debt, the money in the hands of the Bank of England to pay off 5 per cents, gave an amount applied to the redemption of the funded debt, of 5,621,231*l.* Now, in the account laid before the House, the following was the amount of the income and expenditure:—

Nett income paid into the Exchequer ..	£54,894,989	10	3
Nett expenditure ..	53,885,541	2	2¾
Surplus of income over expenditure	1,009,448	8	0¼

Now although this was very much below the standard of comparison which, from the statements of the chancellor of the Exchequer, the House might expect the expenditure to bear to the income; yet, what he was desirous of calling the attention of the House to, was, that in this account the sinking fund was not at all considered. There was, it was true, a balance of 1,009,448*l.* of income over expenditure; but, so far was this sum from being a real surplus of income over expenditure, that it must go towards the further sum of 3 or 4,000,000*l.* which was requisite to make up the charge of the sinking fund; which, as he had before estimated, was put down in a balance sheet at 5,621,231*l.*—The next point that presented itself to his attention, was the contribution towards funding 8,000,000*l.* of Exchequer bills, and the money raised in the year, ended Jan. 5, 1827, by the creation of unfunded debt. And this, it should be borne in mind, was created after the House had come to a resolution to diminish the unfunded debt of the country. A wiser measure could not be adopted than to abolish it altogether. He

would now proceed to compare the statement which the right hon. gentleman made to the House in March, 1826, with the real results of the state of the revenue; and the House will perceive how far that statement was from being realized. He would do so, for the purpose of guarding the House from being misled in future, by any sounding promise which might be held out to them; and to guard against any lavish expenditure in the Estimates, which they might be now called upon to vote. On the occasion to which he referred, the right hon. gentleman stated in his place in that House, that the whole sum to be received, during the present year, would be 57,043,000*l.* If from this sum be deducted the expenditure, amounting to 56,328,421*l.* there would remain to be dealt with a clear surplus of 714,579*l.* This surplus the right hon. gentleman seemed to think the House would have to dispose of in whatever manner it might please; but, so far from there being such a surplus, notwithstanding the appearance of a surplus of 1,009,448*l.*, there was, on the face of the accounts themselves, a defalcation of three or four millions. He had already shown, how an erroneous impression might be taken from a statement of the printed account to which he had referred, by the omission in that account altogether of the sinking fund, and by its being transferred to a balance-sheet on the back of the account. He would proceed to remark upon a further variance in the printed account now laid before the House, and the items of charge as originally estimated in the statement of the chancellor of the Exchequer. In the statement made by the chancellor of the Exchequer, and in the charges in the printed account, a considerable increase was to be found in the latter under the following heads of expense:—

Expenditure from the Chancellor's Statement.

For the Interest and management of the Public Debt	£27,117,186
The Army	7,747,000
Navy	6,135,000

Expenditure according to the Printed Account.

For the Interest and Management of the Public Debt	£27,246,750
The Army	8,297,360
Navy	6,540,634

The right hon. gentleman had taken credit for miscellaneous receipts, but he had forgotten a payment of 1,500,000*l.* which made a further deficiency of 600,000*l.* [The chancellor of the Exchequer said "No."] The general result of this was, that there was last year a surplus of 5,500,000*l.* and this year it amounted to no more than 1,000,000*l.* Therefore he considered, that the deficiency, which the public had to make up, was better than 4,000,000*l.* because the sinking fund had to be supplied. The right hon. gentleman might say, that an answer would be given to this objection; but that confirmed him in his opinion, that the estimates ought to be laid before the House before the votes were applied for. A great deal was said about the distress which prevailed, and he felt for the deplorable extent to which that distress had reached; but he felt no less, that, whatever might be the distress, the state of foreign affairs, and the protection of the great interests of the country, were such as to require that the necessary estimates should pass. Disclaiming, therefore, any intention of opposing the motions for such grants, he contended, that it was the duty of members to watch them in every stage, and not to treat them as all questions of finance were generally treated in that House; where, as soon as any gentleman got up to speak on such subjects, four fifths of the members went out. He came down to the House for the purpose of looking cautiously and vigilantly at the financial arrangements, taking into consideration existing circumstances and the state of the finances. At this moment, more than any other, the discharge of this duty was absolutely necessary. Before these votes passed the House, they should have the accounts of the past and of the present year laid before them, as far as that was possible. That was the usage in all other countries. The people ought to have it in their power to judge of the expediency of the expenditure, and of their ability to meet it. The right hon. gentleman ought to inform the House what he meant to do with this annuity or half-pay. In April, 1828, the dead-weight annuity, which had been contracted for with the Bank of England, would be at an end. The House would have to come to a determination as to what they meant to do with this annuity. It would not be creditable to send it forth to the public, and it must either be put in the shape of

a sinking fund, or be declared a deficiency. If the exchanges should go against England, the Bank must have an act of parliament to suspend their payment, while so large an unfunded debt remained. It was impossible that they could sell this dead weight, and it was frightful to contemplate the consequences which must ensue, if even only one million of it should be offered for sale. It was because he took this view of the subject, and because he thought that members paid too little attention to a subject of deep and universal interest, that he had been induced to come forward. He did not mean to say that there was any great objection to the Ordnance estimates, which were about to come on for discussion, but the Army estimates were to follow, and then would come the Miscellaneous and Colonial estimates, from which perhaps some deductions might be made. He did not wish to quarrel with any of them, and he was sure that no one would think he had done wrong in making this statement in order to obtain information which it was necessary the House should be possessed of to enable it to deal properly with the questions which were to be brought forward.

The *Chancellor of the Exchequer* said, it was impossible for him to answer all the points upon which the hon. member had touched, because he could not give the House satisfactory information upon them, without stating at full length those particulars which he proposed to submit at no distant period. He had no hesitation in saying, that he was not now in a situation to state, with the requisite accuracy, what he conceived to be the condition of the revenue for the present year. Since he had had the honour of filling the situation in which he was now placed he had endeavoured to bring forward the financial state of the country at as early a period of the session as possible. He hoped shortly to bring it forward; but, at present, he owned he was not in a situation to do so. When he should bring it forward, he hoped to furnish a full and satisfactory explanation upon all the matters referred to by the hon. gentleman. But because he was not at that moment prepared to enter into the extensive subject, was that, he would ask, a fair reason, why a shilling should not be voted for the support of a single sailor, a single soldier, or a single artillery-man? After the House had voted their approbation of the measures which his majesty's government had thought it necessary to take for maintaining the honour and dignity of the country, it certainly did appear extraordinary to require from them a premature exposition of the means by which those measures were to be carried into effect. It ought to be taken for granted that government were prepared to meet the exigency. It was miserable weakness to suppose that this country was not perfectly ready to answer any demand upon her of the nature to which he alluded. Whatever might be the expense of the late armament, the country was perfectly capable of bearing it, without incurring any of that pressure and difficulty which the hon. gentleman seemed to anticipate. Even if it were not so, he was persuaded that there would be a general disposition to make whatever sacrifices might be required on the occasion. Although it was not his intention at present to enter into any minute explanation of the state of our finances, there were some points in the hon. gentleman's statement on which he would make a few remarks. The hon. member had taken a very imperfect view of the subject. Certainly, on the face of the balance-paper, instead of there being a surplus for the year to the amount of four or five millions, which he had flattered himself there would have been, the surplus was little more than one million. There could be no doubt that that was the case; and he very much regretted it. But, when the various circumstances which must influence the amount of the national revenue and expenditure were considered, it could not be supposed that it was possible to realize, in every individual year, the expectations which, at the commencement of that year, might be very justifiably entertained. If, however, the hon. gentleman was warranted in arguing as he had done on the defalcation of the present year, he too, was undoubtedly entitled to ask the House to recollect what had been the state of the balance-sheet in preceding years. In 1823, he had anticipated a surplus of only 5,000,000*l.* The result, however, was, that the surplus was no less than 6,700,000*l.*; so that in that year the surplus had outgone his anticipation of it by 1,700,000*l.* In the next year, 1824, he had stated, that it was reasonable to expect that the surplus would be the same that he had anticipated in the year preceding; but it exceeded that amount by 1,400,000*l.*

In the year 1825, the surplus exceeded his anticipation by 160,000*l*. So that, in the three years, the actual surplus of the revenue over the expenditure had exceeded his estimate of it by upwards of 3,000,000*l*. The fair thing was, to take a view of all the years together. That, indeed, was the course which he originally asked the House and the country to pursue. In 1824 he had submitted to parliament the policy and expediency of viewing the probable circumstances of the country through a series of years. Looking at the question in that point of view; regarding the series of years during which he had had the honour to hold his present situation; he thought it would not be considered that the anticipations which he had ventured to make with respect to the finances of the country justly deserved to be called excessive. Thus taking all the years, the deficiency of four millions and a half in the present year, on which the hon. member had dwelt, must be reduced by the three millions of surplus in the antecedent years. Let the House read the balance-sheets of all the years, and they would find that, deducting the surplus of three millions in former years from the deficiency of four millions and a half in the present, the actual deficiency in the series of years was only one million and a half instead of four millions and a half.—There was another point to which the hon. member had adverted, on which he wished to say a few words. In these balance-sheets certain sums were introduced which necessarily appeared to belong to the expenditure; but which were only advances made by government in pursuance of acts of parliament, and which advances would, of course, be eventually repaid. If the hon. member for Abingdon would go through the items of this description with all the accuracy which it was well known he possessed; if he examined both sides of the account for the last four years, and compared the sums which had been thus advanced by government with the sums which had been repaid, he would find that, instead of the surplus having been only three millions, it had been considerably more, and that, even taking the last year into the calculation, there had been no deficiency at all. This was a fact, which he should be perfectly ready to prove, whenever the proper opportunity should arrive for that purpose. He would even at the present moment notice a few of the items. One was the advance by government of the sum of 24[illegible]0*l*. for the purchase of the Leith Docks, with the dues arising from them; a great and beneficial national object. The greater part, if not the whole of this sum, would be eventually repaid. Now, that could not, in the strict sense of the word, be called an expense; because the sum which had been advanced bore an interest, and because the principal would revert to the country. The duke of Athol's annuity was the next item of this description which he would notice. It was well known that the family of the duke of Athol had ancient claims on the revenue of the Isle of Man. In the year 1805, an act of parliament passed, by which a pension was granted to the duke of Athol for a surrender of a part of these claims; he retained a portion of the duties paid in the island. Subsequently the duties paid in the island were considerably increased. The duke of Athol, however, was not entitled to any share of the increased rate of duty. But this was felt to be an exceedingly inconvenient state of things. He did not know that it occasioned any inconvenience to his grace, but to the Treasury it was the source of much embarrassment and difficulty; and it was thought desirable to simplify matters, by purchasing from the duke of Athol the right which he claimed to a certain part of the revenue of the island. The duke naturally felt indisposed to part with his right, except upon terms commensurate with its value. An act of parliament was passed, enabling the lords of the Treasury to come to an agreement with his grace. Referees were appointed. The referee on the part of the Crown was a man of the highest character, once a distinguished member of that House, and now holding an important official situation in the other House of parliament; he meant Mr. William Courtenay, whose honourable character and habits of business rendered him an excellent choice on the part of the Treasury. The referees met, and minutely discussed the subject; and, after various elaborate calculations, determined that 150,000*l*. was the value of the annuity which the duke of Athol derived from the duties of the Isle of Man. This occurred last year. It was, however, impossible for him to know at the commencement of the session, whether the referees would be able to agree in the course of the year; or, if they did, on what sum they would

fix. He therefore made no estimate on the subject, because, under such circumstances, any estimate must have been delusive. It thus appeared, that if the referees had not concluded the transaction with more expedition than was anticipated, the balance-sheet of the present year would have been less unfavourable, by the amount of the sum to which he had just adverted. The House, however, would observe, that this purchase was not an item of expenditure bringing no return; but that it was the purchase of an improving annuity. The present times were unprosperous; but, nevertheless, in the present year, this 150,000*l.* was bringing in an improving revenue, and was now paying above 5 per cent. He repeated, therefore, that this could not be called an item of expenditure in the ordinary meaning of the expression. Then there was the money advanced in pursuance of act of parliament to the corporation of London, to assist in building London-bridge. That stood on just the same ground. It was impossible for him at the beginning of the year, before the corporation of London knew what would be the expense of the undertaking, and whether it would be necessary for them to enforce the provisions of the act, by calling on the Treasury to advance them a loan on the credit of the Orphans' Fund, to introduce to parliament any estimate on this subject. In fact, the city of London would never have applied to the Treasury for pecuniary aid for this purpose, had it not been for the peculiar circumstances which last year attended all money transactions, and drove them to the wall, when they endeavoured to obtain the requisite supply elsewhere. For the sum advanced by the Treasury on this account, they had the tangible property of the city of London pledged to them as security; and until the repayment of the principal, interest of between two and three per cent per annum.—This item, therefore, did not belong to what was ordinarily called expenditure. The advances to the commissioners of Exchequer bills, and for the employment of the poor out of the Consolidated Fund in Ireland, for public works, came under the same rule. But, with all the labour and ingenuity for which the hon. member for Abingdon was so eminently distinguished, he defied him to anticipate, at the beginning of the year, what the amount of those advances would be. Here was the hardship of his case. The hon. gentleman always considered it desirable, that the financial state of the country should be detailed in the beginning of the year, a practice which he must object to. But it was very hard that the hon. gentleman, having called for this financial statement at the beginning of the year, should then (to use a favourite phrase of his) "turn round upon him," and reproach him for not having anticipated that of which it was utterly impossible he could have any knowledge previous to its occurrence. The hon. gentleman complained, that, whereas he had estimated the expense of the army, &c. for the last year, at 7,747,000*l.*; it had actually amounted to 8,297,000*l.* That was perfectly true; but how did it happen? All that he could possibly do at the commencement of a session was, to state to the House the sum which he thought it would be expedient to vote in the supply. It was, however, utterly impossible that all the money voted in the supply for the year should be drawn in that year; for a great part of that supply was applicable to services in distant parts of the world, and could not be comprehended in any limited period. A great part of the 8,297,000*l.* was on account of grants of antecedent years. It also happened, that, in 1826, the services were paid more rapidly than was usual. At the close of the year, a state of political circumstances arose, which rendered it necessary to draw out money for the services of the year more rapidly than ordinary. Had it not been for the armament which had occurred the balance-sheet on the table would have presented a very different appearance. It was also clear that, in exact proportion as the payments in 1826 for the army had been rapid, the grants remaining to be disposed of had decreased. It was the same with the Navy and the Ordnance. As to the Miscellaneous estimates, they were made up partly of the grants of former years, which became payable in the year, and partly of grants within the year. The difference between the estimate and the sums actually paid amounted only to about 100,000*l.*: and, although he did not pretend to assume any great credit on that account, he did not think that it was any reproach to his foresight, that he had not been nearer in his anticipation. The hon. member had then fallen upon all his (the chancellor of the Exchequer's) errors, with respect to the estimated receipt of

the year. It was perfectly true that he had been too sanguine. It would be absurd to deny it. He had expected, that the revenue would be more productive than it had turned out to be. But the hon. member had not quite fairly argued this subject. He certainly had anticipated that, in the year 1826, the Customs and Excise together would yield 36,846,000*l.* The actual produce had been 36,450,000*l.*; being about 400,000*l.* less than he had anticipated. Now really such a difference on a revenue of nearly thirty-seven millions, between the estimate and the produce, that estimate framed too under circumstances of considerable difficulty, and which baffled all attempts at rigid calculation, was, comparatively speaking, so small, that, upon his word, if he did not know that a prophet had no honour in his own country, he should be tempted to claim credit for his accuracy, instead of admitting the justice of the hon. member's reproach, and allowing that his want of foresight ought to withdraw from him the confidence of the country. On the article of Stamps he certainly had been decidedly wrong. He estimated their produce at 7,400,000*l.*; but he got only 6,702,000*l.* The fact was, that he had been too sanguine. It was, perhaps, the error of his character. However that might be, he most willingly allowed that he had been widely wrong in this estimate. But he could by no means admit the justice of the hon. member's remark, that with respect to the Miscellaneous estimates he had not dealt quite fairly. Undoubtedly those estimates had not produced the amount which he had supposed they would produce. He had estimated them at 1,350,000*l.*; they had produced only between 900,000*l.* and 1,000,000*l.* One of the items of these Miscellaneous estimates was the return which he expected from Ireland of the old silver coin which had been called in. In the antecedent year the sum of 500,000*l.* had been voted for a new silver coinage in Ireland; and he had anticipated, that the return of the old silver coin to the Treasury would amount to 400,000*l.*; whereas it had amounted only to 206,365*l.* More, however, was receivable, and no doubt would be received in the present year; the delay in its payment having been occasioned by no immediate demand having been made for it. From this source arose a deficiency of nearly 200,000*l.*; which was undoubtedly his error. He had made another mistake. Before the final termination of the lottery he had been led into the mistake of conceiving, that a certain portion of profit remained to be received by the public from that source. He had not found out his error until it was too late to rectify it; and had, therefore, anticipated a receipt of 180,000*l.* which never accrued. These were the circumstances which reduced the produce of the Miscellaneous estimate below his estimate. But then the hon member for Abingdon said, that he had taken credit for repayments made to the commissioners of Exchequer-bills in England, and of the Consolidated fund in Ireland, to the amount of 273,000*l.* Never. He had always excluded items of that description from his statement; it being utterly impossible to anticipate either the issues or the returns. It would indeed be a miserable trick, of which he was sure the hon. gentleman could not suppose that he would be guilty, had he taken credit for repayments without noticing issues; but the fact was, that the hon. gentleman was wrong in imagining that he had adverted to the subject at all, in his anticipation of the receipt and expenditure of the year.—He was not aware that he could at present go more particularly or minutely into these points. It would certainly have been more satisfactory to himself, and, he presumed, to the House, if he had been permitted to delay saying any thing on these subjects, until he could have put the House in possession of all he had to suggest with respect to the finances of the country, instead of being hurried into a premature and partial exposition, hardly intelligible to his own mind, and which, he was therefore persuaded, could not be very intelligible to others. That, however, was not his fault. When a fit opportunity should occur for a full discussion of the subject, he should be ready to prove to the House, and he thought satisfactorily, that although on the face of the balance-paper there appeared to be a surplus of only one million, there was no reason whatever to infer from that circumstance, that we were incapable of making every effort that might be required for the maintenance of our honour, and for the support of the various establishments which were necessary for the good of the country.

Mr. *Hume* admitted, that the right n. gentleman had satisfactorily explainedh e

deficiency in the produce of the Miscellaneous estimates, and hoped he would have the power of affording the further explanation of which he had spoken. He feared, however, that, as the only documents on the subject were the accounts of the receipt and expenditure, and as those documents were incapable of alteration, the right hon. gentleman would find his task one of considerable difficulty. To mix up the consideration of the Miscellaneous estimates with the other topics, tended to create confusion. He did not mean to throw any imputation on the right hon. gentleman, but merely to say, that in his estimates of last year he was too sanguine. If, however, the expense of the year was founded on this erroneous estimate, it was too much to say that they were warranted in continuing the expense, after the exaggerated estimate of the income had been discovered. He would confine his remarks to the ordinary revenue and expenditure; to the amount received from taxation; and to the amount paid for the maintenance of our establishments, and for the interest of the debt. If the House would do him the favour to attend to him, he would endeavour to explain the matter. In 1825, the revenue was 52,000,000*l.*; in 1826, it was 49,600,000*l.*; being a diminution of 2,400,000*l.* Out of this revenue the act of parliament required that a nett surplus of 5,000,000*l.* should be applied as a sinking fund. Instead, however, of a surplus of 5,000,000*l.*, the right hon. gentleman himself admitted, that he had only a surplus of 1,000,000*l.* It followed, then, that there was a deficiency in the last year of 4,000,000*l.* The expenditure of the country had increased as follows:—In 1825, the army, navy, ordnance, &c. had been 17,212,000*l.*; in 1826, they had been 19,344,000*l.*; being an increase of 2,132,000*l.* Combining the deficiency of revenue with the increase of expenditure, it was easy to understand why the surplus should not exceed a million. The question for the House to consider was, whether we were in a condition to go on in the same manner next year? The right hon. gentleman said, that we were; he (Mr. Hume) said that we were not. Why? With that surplus million we had pretended to reduce five millions and a half of debt. But how? In the old way. By borrowing four millions and a half, and adding to that sum, the million of surplus, we made it appear on paper, that five millions and a half of debt had been redeemed. He must protest against such a delusion. He would show that the surplus million was already absorbed by the expenses which had been incurred; leaving out of the question all considerations of loans or sinking funds. He would take it for granted, that the revenue of the present would not exceed the revenue of the last year. In the first place, there were life annuities to the amount of 580,000*l.* a year, which, strange to say, were never brought to the public account, but were always paid out of the sinking fund. Then there was the sum of 200,000*l.* increase in the interest of the outstanding debt; occasioned by raising, on the first of January, the rate of interest on Exchequer-bills from three half-pence to two-pence; and lastly, there was nearly the sum of 400,000*l.* to supply the deficiency arising from reducing the five per cents. These three sums would make it necessary to pay 1,160,000*l.* more in 1827, than in the last year. The consequence was, that, supposing the surplus of 1827 to be equal to that of the last year, there would, nevertheless, be a *bonâ fide* deficiency of above 140,000*l.* We had incurred a debt of 3,000,000*l.* in the management of the dead weight of only 13,000,000*l.*—So much for attempting to bolster up the sinking fund. We had been proceeding in this unnecessary accumulation of debt from the period of sir Robert Walpole to the present time. If, under the name of a sinking fund, ministers had at their disposal a surplus revenue of 5,000,000*l.*, they would sooner or later find means of expending that surplus, and applying it to other purposes than the reduction of debt. Ministers had yet to receive the remaining part of this thirteen million of dead weight from the Bank. The last payment would be in April, 1828. Unless government pursued a different course with thi fund, they must be adding to the debt, by funding at least five millions a year. If they went on as the act of parliament required, they would incur, by the end of the year, a debt of 3,600,000*l.* This would be independent of the amount of the expedition to Portugal. These debts were incurred in what the ministers of the Crown called supporting the honour of the country. Thus they would run on until they got into a state of bankruptcy, which would eventually be the end of

their "honour." It was impossible for the chancellor of the Exchequer to make one million pay five millions, or to answer the public creditor, if he went on as he had hitherto done. France, Holland, America, and other countries were paying off their debts, or reducing taxation, either by husbanding their resources, or keeping their expenditure within their income. England, on the contrary, if parliament persisted in voting estimates upon the scale of the present year, must add to her already dreadfully heavy load of taxation. He would put it to the House, whether they should not postpone voting such immensely large estimates, until they had a more complete view of the state of the finances. All he asked was, to let the House vote a sum upon account. If they did not pursue this course, they might find themselves in the situation in which they were four years ago; when, after voting the estimates, the state of the country obliged them to withhold the supplies, and the chancellor of the Exchequer complained, saying, "this is very unfair; you have voted the estimates, and now you refuse to vote me money to pay them." The House of Commons were then obliged to call upon ministers to reduce those very estimates which themselves had previously sanctioned. Let parliament have a full statement of what the chancellor of the Exchequer had determined the expenditure to be. Let the House be supplied with an account of what were the expenses incurred in Portugal, and how they were to be provided for, and then they would know how to proceed. If there should prove any deficiency in the Ways and Means, it would then be in the power of the House to consider whether they could not lessen the expenditure, instead of going on to the end of the year, and finding themselves several millions in debt. The various departments of government had already made up their estimates, and it would not therefore be difficult for the chancellor of the Exchequer to lay a general statement of them before the House. The delay of only another month would afford the House the opportunity of ascertaining the real condition of the country. He would confess that he felt unpleasantly at the manner in which the chancellor of the Exchequer talked of supporting the dignity and honour of the Crown, and at the confidence with which he spoke of the House supporting him in his efforts to uphold the situation of the country with reference to foreign nations. What was the proud situation of this country, of which the right hon. gentleman boasted? It was merely the situation of an arbitrator, to settle all affairs except her own. The affairs of Portugal did not require so much of our management. It behoved ministers to look at home rather than go abroad, seeking glory at the cannon's mouth [a laugh]. It was well for persons to look at such matters at a distance, and then fancy that they held a commanding station. But what a picture it was that they had to turn over. He had often heard it remarked, that men did not like to look into their affairs when they were encumbered; and he believed that those gentlemen who boasted of the high and commanding station of the country, were very averse to examine its real condition. He apprehended that they looked upon its internal situation in no very favourable point of view. Instead of vapouring and throwing away money upon other countries, they ought to see if they could keep out of debt; and if they could relieve, not only the poorer classes, but every interest, for all interests were pressing upon the House for relief. He should be happy to vote upon account what would allow the Ordnance department to go on for three months. That period would be amply sufficient for ministers to put the House in a state of information upon the finances of the country, upon the estimated revenue, and the total of the intended expenses. With this view he had prepared a resolution, but whether the House would agree with him or not, he was unable to tell. In France, Holland, and other countries, the ministers of the Crown laid before the House what they intended to call for; and, if this was not approved of by the House, the estimate was sent back to the ministers, who again laid them before the legislature in an amended state. He asked the House of Commons to do no more, and he was convinced he was acting a very reasonable part. He would move, by way of amendment, "That this House does not consider it expedient to vote the Ordnance or any other Estimates until the Ministers of the Crown shall lay before the House an Estimate of the total expected Expenditure of the country for the current year, as well as the Ways and Means by which it is proposed to meet that Expenditure."

Mr. *Baring* said, that if in ordinary times there had been such a defalcation in the revenue as appeared during the present year, he should have undoubtedly been of opinion, that it would be necessary for the House either to agree to the amendment of the hon. member for Aberdeen, or else to go into the committee and vote the estimates with the strictest investigation into them item by item. Judging from the general conduct of the House, he deemed himself justified in saying, that it was too inattentive to the condition of the national finances. No state that had any pretensions to freedom displayed such inattention as we did to the comparative amount of our expenditure and our means. The French minister was obliged to make a minute statement of the resources of his nation before he ventured to detail to the Chambers his plan for raising the supplies of the year; and the minister of the king of the Netherlands had absolutely had his budget thrown back upon his hands, because he had not accompanied it with a sufficient explanation of the national finances. As a general principle, he would say, that it was the duty of the House not to repose a blind confidence in ministers, but to look narrowly into the estimates which they presented to it. He recollected that in 1816, the House, after voting the estimates, found that they were greater than the situation of the country justified. It addressed the Crown in consequence, and said that the estimates were not satisfactory. Amended estimates were accordingly returned to it, in which considerable reductions were made, and those estimates were subsequently approved. Now, if the estimates of the present year had been presented to the House in circumstances similar to those of 1816, he should have said that the House would not perform its duty without adopting a similar course to that which it then pursued. Considering, however, the political demonstration which the government had recently felt itself called upon to make in Portugal, and the support which the House had given to the government on being informed of it, he was afraid that any hesitation in voting the supplies would be productive of bad effect, not only in a financial, but also in a political point of view; and he should therefore prefer going into the estimates at present, to postponing the discussion of them till the period proposed by the hon. member for Aberdeen. The unsettled situation of all the leading interests of the country—of the commercial, the manufacturing, and the shipping interests—placed the House in a very awkward situation as to any investigation into the state of the revenue. Notwithstanding the melancholy views which had that evening been taken of the state of the revenue, he thought the return upon the whole to be satisfactory. Considering the extent of distress which had pervaded all classes of society last year, to a degree that was quite unprecedented, it was surprising that upon a revenue of 57,000,000*l.* there had only been a defalcation of 1,000,000*l.* He confessed he had expected that the defalcation would have been much larger, and he was glad to find that it did not exceed the amount which he had stated. There was no occasion for the right hon. gentleman opposite to justify himself on account of the degree in which the revenue actually collected had fallen short of the sum which he had anticipated that it would produce. The very fact of his estimate having exceeded by so small a sum the amount of revenue actually collected during the distressed condition of the country, was a proof that it would have fallen within the mark had the country been in its ordinary situation. It would be a juggle, an outrage upon common sense, for any man to come down to that House and pretend to predict with the skill of a conjuror, the amount of any future year's income: and it would be unbecoming the high character of the right hon. gentleman to pretend to any such powers of prescience. He must, however, remark, that the estimate of expenditure for the last year, presented by the right hon. gentleman, was not so ably constructed as his estimate of the revenue to meet it. There was a surplus of two or three millions of expenditure over the estimates, which he had not yet seen sufficiently accounted for. The expense of fitting out the armament for Portugal could not have come into the present accounts: if it had, he was glad of it, and surprised to find that it was not larger in amount. He then proceeded to observe, that if the expenses of the different departments so far exceeded the sums at which they were estimated, it was a proof that they were out of the controlling hands of the government; and that the government was, as it had once been described, a government

of departments all pulling at the Treasury, which exercised no control over them. If this was the case, it would be the bounden duty of the House to interfere, and apply a remedy to the evil, before it obtained greater ascendancy. Honourable gentlemen often said, postpone the Estimates till after the Budget; but it was difficult to make up the Budget at so early a period. He thought the present mode of proceeding the most safe and convenient. Before assigning what was to be spent, it was necessary to know what they had to spend. The government of no country could be strengthened by exhausting its finances, or by stretching its exertions beyond its powers. A country could not be strengthened by an army costing 8,000,000*l.*, if it could afford only 6,000,000*l.* It was in vain for ministers to say, that this or that island wanted a garrison: the answer was, we cannot afford to support the island. This, however, was not the state of this country, for it was able to keep all its colonies, provided the finances were kept in a proper condition. He differed from much that had been said about the sinking fund. He congratulated the country upon its having such a fund. What would have been the situation of the country, if, upon any falling off in the revenue, or excess of expenses, it had no excess of income, or, in other words, it had no sinking fund? With an income and expenditure of about 50,000,000*l.*, if there were not a surplus revenue, or sinking fund, of 5,000,000*l.*, accidental necessities could not be met. A stronger proof could not have occurred, than that afforded in the present year; for, with all the defalcation of income, there was still some excess over expenditure. But for this excess, the debt must have been increased. He should not object to going into the estimates at present, as he did not imagine that any harm could arise from their consenting to do so. He hoped, however, that ministers would come down as soon as possible with a statement of their financial plans for the year; and he was quite certain that the House would assist them in maintaining those establishments which were necessary to support the honour and dignity of the country.

The amendment was then negatived without a division.

ORDNANCE ESTIMATES.] The House having resolved itself into a Committee of Supply, to which the Ordnance Estimates were referred,

Sir *H. Hardinge* said, that in presenting the Ordnance Estimates to the committee, it would not be necessary for him to detain them with many observations, inasmuch as the estimates were considerably lower than they had been last year. The reductions which had been made, had not been made without great difficulty; and it would only be misleading the committee if he were to hold out to it any hope that those reductions would be permanent. The Ordnance Estimates for the present year were only 970,894*l.*; last year they were 1,007,671*l.*; so that they were 36,777*l.* less this year than they were last. In presenting these estimates last year, he had mentioned to the committee, that the master-general of the Ordnance intended, in the course of the year, to propose an augmentation of seven hundred men to the artillery, by making the companies to consist of eighty instead of seventy men each. The inconvenience, however, which was felt from the want of this additional force of artillery-men, must continue to be felt for some time longer, and the proposed augmentation must be deferred till the next year. In the extraordinaries, the estimates amounted to 223,532*l.*: last year they amounted to 228,688*l.*; so that there was a diminution in that head of expense for the present year of 5,136*l.* In the unprovided head of account, which last year amounted to 1,713*l.*, and this year amounted to 4,652*l.*, there was an increase of 2,939*l.*, occasioned by sending out the necessary supply of brass and iron mortars for the preservation of life from shipwreck, according to captain Manby's apparatus, and by replacing certain engineer's stores, arms, and accoutrements, that had been lost by shipwreck in the West Indies. That head of charge had been cut down as low as possible by the committee, and it was the desire of the master-general to keep it in its present state of reduction. As to Ireland, the estimates for this year were 126,382*l.*: last year they were 130,549*l.*; so that there was a diminution of 4,167*l.* in the estimates of this year. The expenditure for Ireland had, for the three or four last years, been nearly the same. There was, however, this year, an additional sum taken on account of the Irish survey, which he would briefly explain to

the committee. The sum taken last year to promote this object, was 27,690*l.*; this year it would be 30,000*l.* The additional sum was required by a new company that had been recently added to the two companies of sappers and miners already in that company. The experiment of employing common soldiers upon a survey of this nature had been most successful, and the system of taking men, who a few months ago could scarcely read or write, to employ them in measuring roads, and marking out the line of streams, was working in a manner that was calculated to confer benefit on the public, and credit on the parties who had suggested it. The survey was proceeding with the utmost rapidity. The officer engaged in superintending it hoped that it would be performed within the time specified; and he was happy to say, that when it was completed, it would be a splendid specimen of topographical accuracy. The maps would be published as fast as possible, and would be sold at a price not much exceeding the price of ordinary maps. The charge of barracks for Great Britain was this year 115,249*l.*; last year it was 147,087*l.*; so that there was a diminution in this charge since the last year of 31,838*l.* He would beg the attention of the committee whilst he stated how this diminution had arisen. Last year the House had voted 25,000*l.* for the king's-mews barracks. A like sum was to have been asked for this year; but as the adjoining buildings could not be removed in time for the erection of new ones during the ensuing year, the call for this would be deferred till the next. Next year the barrack estimate would be increased in the same proportion as it was now diminished. The charge for barracks in Ireland was this year 117,077*l.*; last year it was 124,636*l.*; so that there was a diminution in the estimate of the present year of 7,559*l.* He could not hold out any hope that there would be any diminution in this part of the estimates, for many of the barracks in Ireland at this moment required to be made wind and water tight. There was a charge of 10,000*l.* in the barrack estimate for Ireland this year, for the purpose of erecting a new recruiting dépôt in Dublin. The old dépôt was so inadequate to the purposes for which it was intended, and in such a state of progressive dilapidation, that it was deemed wiser to erect a new building, than to make the extensive repairs in the old one. As to the estimate for military stores for Great Britain, Ireland, and the colonies, it was 135,205*l.* for the present year; last year it was 164,416*l.*; so that this year it was 29,211*l.* less than it was last. That reduction had arisen in the following way: the House had come to a determination to allow each soldier in barracks an iron bedstead, instead of hutting four of them, as was formerly the case, in one wooden crib. The change had been productive of the most beneficial effects, on both the health and the morals of our soldiery, and had saved a vast consumption of life in those who were stationed in warm latitudes. This year a less sum would be taken for these bedsteads than formerly; and hence the diminution which he had pointed out to the committee. The last part of the estimate to which he wished to call their attention, was the supplementary estimate for the military works in the colonies. The grant proposed this year was 217,000*l.*, and was greater than it was last year. He had last year explained to the committee, that though this was an additional item in the Ordnance Estimates, it was only a transfer to the Ordnance from the army extraordinaries and the colonial department. Though the master-general was most anxious to diminish the expenditure under this head, there were certain military works which it was requisite, at any expense, to put upon a proper foundation. The heaviest charge was for the new works in the citadel of Quebec: 12,000*l.* had been taken for them annually for some years back. This year it was proposed to take 25,000*l.*, and for this reason: In autumn, before the winter set in, it was necessary to erect a solid work of masonry over the works that were left incomplete, to protect them from the severity of the weather; and in spring it was necessary to displace that solid work of masonry, before the works commenced in the preceding year could be continued. A great loss of time and expense was thus incurred in building up and pulling down that which was ultimately of no use to the works erected. It was therefore determined, that whatever work should hereafter be erected in Canada, should be erected, if possible, in one season, as it was clear that the sooner the work was executed, the less was the expense. It was on that account that he proposed to take 30,000*l.* this

year for this work, instead of 12,000*l.*, which he had taken in former years. In three years the work, he expected, would be completed. There was, on the whole, a reduction of 104,000*l.* on the present estimate, as compared with the estimate of last year; and he hoped the committee would feel gratified with that reduction, especially as there was an increase of numbers in part of the establishment. With regard to the resolution for defraying the salaries of the principal officers of the Ordnance, the amount specified in it was lower than the estimate of last year by 3,176*l.* This reduction was occasioned in consequence of the last master-general not drawing any salary from that department since he became commander-in-chief. The gallant officer concluded by moving, "That the sum of 48,476*l.* be granted, for defraying the salaries to the lieutenant-general, and the rest of the principal officers and clerks belonging to the office of Ordnance at the Tower and Pall-Mall, for the year 1827."

Mr. *Hume* observed, that, looking to the whole of the estimate, there was not such a saving to the country as they had a right to expect. At the conclusion of the former peace, 18,000*l.* defrayed the expense of the artillery establishment at the Tower, and the military establishment in Westminster, but they now cost 96,000*l.* If these two establishments were united, it would effect a saving of at least 48,000*l.* He wished to know whether it was intended to unite them?

Sir *H. Hardinge* admitted, that if such a union could be made, a saving would unquestionably be effected by it. But the thing was perfectly impossible; and for this reason—the military stores, arms, &c. were kept at the Tower, and must remain there. The finance committee, it was true, mentioned the dépôt at Woolwich as sufficient; but, he was prepared to contend, that it would be necessary, under all circumstances, to keep a large quantity of stores at the Tower. If they could remove the office of the Clerk of the Ordnance to Pall-Mall, there would also be a saving; but the rooms at Pall-Mall were already filled with clerks; and therefore, if an alteration were made, a new building must be erected. Thus in the very outset, a considerable expense would be incurred.

Mr. *Baring* alluded to a rumour which he had heard of certain works that were going on in Lower Canada, and also of an intention to erect a line of forts on the river St. Lawrence. He wished to know whether these projects were to be carried on without any information being given to the House on the subject?

Sir *H. Hardinge* answered, that it was necessary to form a proper dépôt in Lower Canada, where, at present, there was not a place in which they could keep a canister of powder in safety. With respect to the second point, no intention existed to form such a line of defence as the hon. member had alluded to. In the course of the year 1825, a commission which had been sent to that country recommended that, at certain points, works should be raised; but the defence of so extensive a frontier as had been mentioned was not contemplated. There were, undoubtedly, parts of that territory which required additional defence. With respect to Halifax, for instance, it was recommended, that quarters should be provided for a body of troops, and a proper building erected for the reception of a quantity of stores. These measures appeared to be necessary; because, if an enemy turned the sea-batteries, as the place was at present situated, the town must fall into his power. Besides, as Canada was locked up during a certain period of the year, it was proper that stores should be collected in places of safety. In Upper Canada, it was intended to erect a small work on the same model, of which an estimate would be furnished. It was not intended as a *point d'appui*, but as a military dépôt, where troops and stores might be established. As to a regular line of defence along the river St. Lawrence, no such thing was intended. Before any part of this recommendation was carried into effect, the total amount of the projected work would be estimated by the master-general, and the House would have an opportunity of at once discussing and deciding the question.

Mr. *Hume* observed, that the items on account of Canada amounted to no less a sum than 51,475*l.* This was rather strange, after they had been told last night, that Canada was the finest country in the world: that it was rich in every species of produce; and yet, rich as it was, poor England was obliged to find money to support it. The inhabitants, it appeared, could not pay for the defence of their country. We had a losing trade with Canada; and we were likewise at the expense of keeping up forts to protect that

losing trade. The only chance of deriving benefit from the produce of that country was destroyed by the operation of the Corn-laws.

Sir *H. Hardinge* said, that Canada, being an integral part of the British dominions, was as much entitled to protection as any other portion of the empire.

Mr. *Hume* said Canada was but a colony, and stood in a very different situation from Ireland or Scotland.

After some further conversation, the several resolutions were agreed to.

HOUSE OF COMMONS.
Monday, February 19.

GRANTS TO THE DUKE AND DUCHESS OF CLARENCE.] The Resolutions of the committee of the whole House on the King's Message were brought up. On the motion, "That the Resolutions be now read a second time,"

The Marquis of *Tavistock* said, that he should not discharge the duty which he owed to his constituents, or consult the real interest of the Crown itself, if he did not oppose the present motion. He would not go so far as to say, that this grant of 9,000*l.* a year was likely to be much felt by the country, even in its present state of distress; but he would say, that considering the circumstances under which it was proposed—considering the present state of the country, and the reductions which had been actually made in the salaries of many public servants, who had nothing but their salaries to support them—he did think that, to say the least of it, it was one of the most indecent and most ill-timed propositions he ever remembered during his parliamentary experience. He was perfectly astonished, that the chancellor of the Exchequer, who had really a character to lose, could have lent himself to such a proposition. He returned his most cordial thanks to his noble friend, the member for Northamptonshire, for the upright and uncompromising spirit with which he had discharged his public duty, and he should certainly take the sense of the House on the present motion.

The House divided: For the Resolutions 173, Against them 57. Majority 116. The Chancellor of the Exchequer then moved, "That a Bill be brought in upon the said Resolutions."

Mr. *Hume* rose, and was proceeding to address the House, when he was interrupted by much noise, and cries of "Question." The hon. member then sat down for the purpose of allowing those who wished to prevent any further discussion of the question, an opportunity to state their objections. There not seeming, however, to be any disposition to take that course, and it being intimated that he was about to propose another amendment, the hon. gentleman was allowed to proceed. He began by observing, that he hoped those hon. members who were not endowed with patience enough to hear what he had to say, would take the opportunity to leave the House. Although they might feel uneasy to have their time occupied by such discussions, or feel a disregard of the public interest, he hoped they would not blame him for a conscientious intention to do what he considered his duty. It was his wish to prevent what he considered an unnecessary waste of the public money; and he would take the liberty of stating briefly why he thought that they ought not to expend one shilling upon the purposes to which they were now called upon to give their assent. When there was a deficiency in the revenue of four millions and a half to meet the charges of the year, was that a time to propose such an extravagant grant? Were they to keep the members of the royal family wallowing in wealth, at a time when so many thousands were dying for want of food? Were they to take the beds from under those miserable wretches by warrants of distress, in order to make up an enormous sum to be wasted in heartless expense, under the n[illegible] of the necessary grandeur of royalty? He had taken the trouble to look over the Civil List, and he found that it amounted last year to the enormous sum of 1,057,000*l.* Of that unnecessary waste, 364,000*l.* were paid for pensions, and no less than 246,000*l.* to defray the expenses of the junior branches of the royal family, which would be increased to 255,000*l.* by the addition of the 9,000*l.* which they were now about to grant. If the duke of Clarence had any family, or was placed in a condition to require such sums, there might be an apology for the present addition to his income; but he had already a yearly grant of above 29,000*l.* His family received every year 2,500*l.* from the 4½ per cent fund; and all that was exclusive of his professional income, which amounted to 1,000*l.* a-year. It was not altogether the magnitude of the sum of 9,000*l.* to which he objected: it

was the insult which such a grant, at the present time, conveyed to the feelings of every man in the country who was suffering from distress. It was the sure way to make the heir presumptive unpopular; and ministers could not have invented any course more likely to place him at variance with public opinion. The hon. member, after ridiculing the idea of such a sum as 9,000*l.* being required for those charitable purposes, which the chancellor of the Exchequer had enlarged upon, concluded by moving, as an amendment, which he declared no man could fulfil his duty without supporting—"That, taking into consideration the present distressed state of the shipping, manufacturing, and commercial interests; the distressed state of the working classes, and the alarming deficiency in the public revenue, this House does not deem it expedient to add to the burthens of the people, by increasing the pension of his royal highness the duke of Clarence, who already enjoys a clear income from the Consolidated Fund, of 29,500*l.* per annum, exclusive of his professional income."

Mr. *Maurice Fitzgerald* said, he anticipated for the vote he was about to give the same severe chastisement from the hon. member for Aberdeen, which he had that night, and on a former evening, given to those who had brought forward the proposition now before the House. That hon. gentleman had characterized it in very unmeasured terms: he had charged it with profligacy, extortion, and insult. He had gone so far even, as to declare it injurious to the shipping and manufacturing interests. Now, for his own part, he must say, that a more exaggerated statement he had never heard, nor had he ever listened to a more unnecessary display of vehement oratory. For the resolution itself, taking it independently of all exaggeration and colouring, it did strike him as being a very fair and natural proposition to be made on the part of his majesty's government, from the first moment that his royal highness succeeded to the station which he at present occupied. It had been asked, in what consisted the difference of station which his royal highness had so experienced? But he believed, that the common sense of every man in that House must instantly supply the answer to such a question; and he, for one, required no official reply upon the matter. His royal highness now stood in that altered situation, and had succeeded to those important relations to the Throne, which called for the support of every man who valued the welfare of the illustrious family, of which his royal highness was a member, or the dignity and honour of the Crown, to which he was so near in point of succession. One word as to what the hon. member for Aberdeen had said about the insult to the sufferings of the country, which would be conveyed by this addition of 9,000*l.* a year to the duke of Clarence's income. In a country, where the public expenditure amounted to about sixty millions annually —where about half that sum was made applicable yearly to the payment of the public debt—where, during the last war, no less than thirteen millions, and, in the last year only, as much as five millions had been appropriated for a sinking fund, to prop up a particular interest—in such a country, to talk of the grant of 9,000*l.* a year to a man in his royal highness's situation, was neither more nor less than a gross delusion upon the public. He must also object to this being considered as a question of monarchy. As to the United States of America, and the expenses of their government and executive —if the superior advantages of their institutions were to be made a question, as contrasted with those of the British monarchy, he did trust that that question at least would not be raised upon this grant of 9,000*l.* a year to the presumptive heir to the Crown. If such a question was to be introduced for discussion in that House, he hoped that, among all the aggravated topics which could be brought forward with the view of enforcing the preferable nature of a republic as contrasted with a monarchy, the admiration of the national economy attaching to the former would never cause it to be gravely discussed there, whether it would be improper to make such an allowance as that proposed in favour of his royal highness, when his altered and very peculiar station was considered. Believing, as he did, that that station had become most materially altered and that his royal highness was entitled to have such an addition made to his income, he should cheerfully support the vote. In doing so, he was tempted to observe, that there was no man in that House who, during a long political existence, had shewn a more perfect disregard of adulation, addressed either to men in power or

to princes, than himself. He was confident, therefore, that his support of this resolution would be attributed solely to that abstract view of its reasonableness and propriety, which he most conscientiously entertained; and, entertaining, had avowed—a duty which he did not hesitate to perform, although its execution placed him under the painful necessity of recording his dissent, on this occasion, from some of those hon. friends in that House with whom he was in the habit, upon almost all other occasions, of voting.

Mr. *Ridley Colborne* deplored the present opposition to the grant, and declared that, whatever might have been the opinion of the honourable members at first, such continued and obstinate resistance would make the offer of the money come as ungraciously from the House, as its acceptance must be rendered painful to the illustrious individual for whom it was intended.

Lord *Leveson Gower* did not think it necessary to trouble the House with any explanation of his reasons for supporting the grant after the question had been so fairly and ably stated by the knight of Kerry. In every expression which had fallen from that right hon. gentleman he most fully concurred; but he wished to say a few words upon the line of argument taken by the hon. member for Aberdeen. That hon. member had endeavoured to take the course which he thought best calculated to enlist upon his side the passions of the people, and to make the grant of any sum to the duke of Clarence a matter of obloquy in the eyes of a great portion of the distressed. There was, however, no period at which the hon. member might not be able to find the same reasons for opposing any, even a necessary, matter of public expenditure; and if it might be objected to such an argument, that the present grant was an unnecessary piece of expenditure, then he would answer, that the very same would be said of the most necessary. The same argument might be applied in the same manner to even the accumulation of large private fortunes; but he conceived that such appeals to the passions instead of the reasons of men were not to be justified upon any sound principles of policy.

Mr. Hume's Amendment was negatived, and leave was then given to bring in the bill.

ARMY ESTIMATES.] The House having resolved itself into a Committee of Supply, to which the Army Estimates were referred,

Lord *Palmerston* said, that the estimates of the present year differed very little, either in the number of men or the amount of the expenditure, from those of last year; but, as there were some variations in the details, it might be necessary for him to explain them shortly to the House. The total number of men in the estimate of last year was eighty-six thousand, seven hundred and sixty-four. The number of the present year was eighty-six thousand, eight hundred and three, making an increase of thirty-nine men, for the service of the present year. The charge for the last year was 6,602,135*l.* The charge for the present year was 6,601,948*l.* The noble lord, after enumerating several minor changes and charges, in a very low tone, observed, that there was a saving from a reduction in the Levy-money to 5*l.* 4*s.*; but that the expense of the staff was increased 15,000*l.*, from the nature of the armament sent to Portugal. In the War-office there would be found a reduction of 5,000*l.*, and several of the unsettled accounts, as he anticipated last year, had been arranged. The noble lord spoke in such a hurried and suppressed tone, that it was almost impossible to hear what he said. As far as we could understand the noble lord, he observed, that the third class of the estimates included the expenses of the civil departments, or public offices, connected with the army: these amounted to 111,655*l.* 7*s.* 1*d.* The fourth charge was that of medicines, and surgical materials for the land forces, together with certain hospital contingencies, which, in the whole, amounted to 13,910*l.* 14*s.* 6*d.* for England, and 3,867*l.* for Ireland. In both, 17,777*l.* 14*s.* 6*d.* The expenses of the Royal Military College were estimated at 13,229*l.* 3*s.* 7*d.* He would now state that the amount of the pay of general officers was 148,226*l.* 7*s.* 6*d.* which showed a diminution upon the estimates of last year of 863*l.* The whole pay of retired officers was 118,000*l.*, and the half-pay and military allowances to reduced and retired officers was 770,044*l.* 12*s.* 6*d.* The charge for in-pensioners of Chelsea Hospital was 33,726*l.* 19*s.* 4*d.*, which was a diminution upon the estimate of last year of 940*l.* The out-pensions of Chelsea Hospital would amount, in the present

year, to 1,312,917*l*. 10*s*. 11*d*., which was an increase of 27,000*l*. upon the estimate of the preceding year. This arose from the disbanding of certain troops, otherwise there would have been a saving of 23,000*l*. But the addition made to the Chelsea pensions was not the only cause of the increase of the present estimates over those of last year. There was, besides, a small excess, arising from a new class of pensions. The total of the estimate for the Military Asylum was 28,046*l*. 17*s*., which showed an increase over the estimate of last year of 2,500*l*. This did not arise from any additional establishment, or from any permanent charge whatever. It was found necessary, this year, to make an addition to the building. The expense was, therefore, merely temporary, and could not be taken as any precedent of an item in a future estimate. The account of Widows' Pensions amounted to 135,868*l*. 16*s*. 8*d*., which was a diminution, when compared with that of 1826, of 6,171*l*. The Compassionate List for the present year amounted to 193,063*l*. 13*s*. 9*d*., which showed an increase over that of the last year. The Exchequer fees remained the same. The expenses of the Veteran Battalions were 86,803*l*., being an increase of 23,497*l*., and a diminution of 23,670*l*. over the expenses of the year 1826. The balance was, consequently, 174*l*. in favour of the present year.—The noble lord then moved, "That a number of Land Forces, not exceeding eighty-seven thousand, eight hundred and fifty-nine men (exclusive of the men belonging to the Regiments employed in the Territorial Possessions of the East India Company), Commissioned and Non-commissioned Officers included, be maintained for the service of the United Kingdom of Great Britain and Ireland, from the 25th Dec. 1826, to the 24th Dec. 1827, inclusive."

Colonel *Davies* said, that considering the importance of the question under discussion, he regretted that the tone in which the noble lord had spoken, and the noise made by hon. gentlemen in leaving the House, had rendered it hardly possible for him to hear what the noble lord had said. He would confess, that it was with no little surprise that he viewed the conduct of those gentlemen by whom he was generally surrounded. When the question before the House merely concerned a common job, such as the unnecessary appointment of a junior lord of the Admiralty, which might involve the waste of 1,000*l*. a-year; or the job of appointing a second postmaster-general, which might cost about 2,000*l*. a-year; or even a vote of an additional allowance to a prince of the blood royal—then, indeed, he saw a race between gentlemen in their efforts to oppose ministers. This appeared to be deemed by them sufficient to patch up their reputations for leaving their posts when questions of vital importance, like the present, were to be settled. This might, perhaps, succeed for them within the walls of that House; but it would not serve their purpose out of doors. There the mode of estimating parliamentary conduct was different. On all occasions he had done his utmost to reduce the public expenditure within reasonable and honest bounds. With respect to the grant to the duke of Clarence, he felt that he had given his vote conscientiously. Before the Committee came to its decision upon the question submitted to it, he would wish to draw the attention of members to the extravagance of the scale of the public expenditure, and to the excess of the present estimates over those of preceding years. To whatever period he referred, the comparison would be to the disadvantage of ministers. He would not travel so far back as the year 1792, that epoch to which hon. gentlemen were so fond of referring, and to which they could so often refer with strict propriety—in illustrating the extravagant career of government. He would content himself with a retrospect to a period when the House of Commons contained most of the gentlemen who sat in the present parliament. He would refer to the year 1822, and would draw a comparison between the public expenses then, and the amount of them at the present moment. The comparison would surprise those who were not in parliament at the former period. The four great branches of expenditure to which he would call the attention of the House were—the Army, Navy, Ordnance, and the Miscellaneous Service. The amount of these was 14,606,000*l*. in the year 1822. For the year ending the 5th Jan., 1827, the same four branches of service amounted to 19,344,000*l*., being an increase of 4,738,000*l*. He would only ask those gentlemen who were so loud in their professions of public spirit, to have the goodness to do their duty when these estimates were voted. If they would but attend in

their places, the country might be richer by nearly five millions per annum. He objected strongly to many of the items in the present estimates. There was a charge of 60,000*l.* for levy money of fifteen thousand men. The usual number of rank and file in the army was seventy-four thousand, five hundred. Therefore, fifteen thousand men were one fifth of the whole army. Although the duration of a soldier's life, from the casualties of battle, foreign service, and hard duty, was not equal to that of a civilian, he could assert, that it was a great deal more, upon an average, than five years. Never was there so extravagant a demand made upon this head of expenditure. In 1823, the number of recruits raised was only eleven thousand. He observed in the estimates a charge of 28,000*l.* for raising only four companies. Each recruit must, therefore, have cost the country no less than 20*l.* before he could be reckoned fit for service. He believed that the newly adopted system of recruiting by whole companies, tended much to destroy the efficiency of the army, and many whom he had consulted upon the subject concurred with him in the opinion.

Lord *Palmerston* said, that the gallant member was mistaken with respect to the number of recruits. Of the fifteen thousand men, four thousand were to supply an additional force, and the number intended to answer the wear and casualties of the service was only eleven thousand. Taking deaths, desertions, and discharges, into consideration, it would be by no means more than would probably be wanted. With reference to the system of recruiting, as far as his experience went, he could positively assert that the present system was eminently adapted to ensure the efficiency of the service. In the first place, by the present system of recruiting, there was no longer a multitude of officers that used to be detached from their regiments, wasting their time, to the loss and disadvantage of the public. Instead of nine hundred officers so detached by the old practice, there were now not even one hundred. By the present system, no regiment could detach more than one officer at a time, and no officer so detached could be absent from his regiment more than two years. The absent officer was not allowed to have under his command a single man belonging to his own regiment; so that the regiment was left efficient and complete. The present system was, therefore, evidently better than that which formerly existed. With reference to the organization of the army, so far from the present plan of recruiting having impaired that organization, or in any respect diminished its efficiency, it had eminently tended to raise the force in every point of service. The strength of a battalion of the line on foreign service was six hundred men. Formerly, a regiment consisted of ten companies or eight; all of which went on service, leaving only the skeleton of one company to recruit. Each regiment now consisted of ten companies, six of which were sent on service, the remaining four companies being left at home to recruit. These companies disciplined the young soldiers, and sent them from time to time to the battalions abroad. It was a literal fact, that when a comparison had been made between regiments consisting of the same number of men, those which had only six companies abroad, and recruited under the present system, were found to be stronger and more efficient than the regiments with ten companies, upon the former system of recruiting. The reason was evident: the four companies at home were a better engine for recruiting and keeping up the undisturbed organization and numbers of the regiment, than the skeleton companies which were formerly used for raising men. The garrisons abroad were much more effective now than formerly. The new recruiting system had, however, another material object in view. When a whole regiment went abroad, if officers became unable to continue in active service, they were sent home on leave. This indulgence was, of course, limited; and when their leave expired, if the state of their health prevented their returning to their regiments, and reassuming active duties, they were of necessity compelled to retire on half-pay. Upon the present system, the officer came home, not merely upon leave of absence. If his health did oblige him to quit active duty, he did not come home upon leave of absence, nor were his services lost to the public. He joined his dépôt, and there performed that comparatively easy duty which the state of his health permitted. Dépôts, which consisted of raw recruits, could not certainly be so available as entire regiments; but they did perform a share of duty, and of a description necessary to the service.

Mr. *Hume* said, he would leave it to the comprehension of military men, how regiments of six hundred men could be more efficient than regiments of eight hundred. From what he heard, a very different account could be given of this subject. Leaving such paradoxes, he would ask, was it economical to have fifty field officers, two hundred and four captains, four hundred and eight subalterns and staff officers employed recruiting? Ministers were in the habit of talking of the preference of one system over another; they compared them in their different points, and vaunted of the superiority of recent plans. The only point which they never took into consideration was, what appeared to him to be the most essential to consider; namely, the expense. Improvements, however obvious, might be acquired at too great a cost. By the present practice, the War Department left a staff at home, with a few companies, to recruit; and, as far as he could learn, the expense of the system was well deserving of attention. So far from being economical, it was most extravagant.

The question being then put upon the resolution, "That eighty-seven thousand three hundred and fifty-nine men be provided for the Military Service in the present year,"

Mr. *Hume* said, that he, for one, objected in the strongest manner to the great amount of the army. He objected to it in a constitutional sense; he objected to it in point of expense; and because he did not think it necessary to the exigencies of the country. He knew that he was not solitary in entertaining these objections. As the House had pledged itself to support the expedition to Portugal, to put matters to rights there, he did not mean, at the present moment, to do more than to protest against the number of our forces. He would, however, beg leave to state to the House, that when parliament had recently petitioned the Crown to reduce the public establishments, the answer from the Crown was, that all possible economy should be observed, with a view to recruit the finances and to pay off a portion of the public debt. To this ministers had made the Crown pledge itself to the country. Now, it was curious to see whether ministers had so far regarded the honour of the Crown as to act up to this pledge. When that public promise was given to the country, the military establishments got down to sixty-eight thousand eight hundred and three men. A sinking fund was provided, which, it was said, would, at the end of ten years, reduce eighty millions. Almost every body who heard him must remember the confidence with which ministers spoke of the reduction of the debt to that amount. It was considered as nothing short of faction to dispute their calculations, or to doubt their sincerity. They asserted, and repeated the assertion, that every establishment of the army should be kept down to the scale which the petition to the Crown had induced them to adopt. What had been the result? In five years, instead of a reduction by this sinking fund, of thirty-five or forty millions, every shilling of that sinking fund was wanted for the current expenses, and the country, at this moment, was more in debt. After this pledge of ministers, they had contrived to bring the army to eighty-six, instead of sixty-six, thousand. There had been an unnecessary and wanton increase of twenty thousand men, after ministers had pretended to sympathize in the sufferings of the people, and had pledged themselves that every possible attention should be given to economy. As to the estimates before the House, they were a mere farce: they were of no value whatever: they were merely waste paper; they did not bind ministers, they did not bind the noble lord, as to what number of men should be kept up, or as to what expense should be incurred. He held in his hand a return, by which the House would see how useless it was to vote an estimate of 6,401,000*l.*,—the amount of the estimate of last year, when the scale of disbursements was 8,000,000*l.*, being an increase of 1,600,000*l.* What could be the use of voting this estimate or that estimate, when, without the authority of parliament, ministers exceeded the vote to the extent which he had stated? Independently of other circumstances, let the House consider where the government could find money to continue in such a course, unless they resorted to the expedient of raising loans. Did it not behove the government, in this period of peace, to husband the resources of the country? Was not this the honest policy of a government in a period of peace? How much more did it behove them to do so in a country in which every interest was labouring under the most dreadful

distress? He had had the curiosity that day to examine the estimates and expenses of the government of the United States of America. Their civil, military, and naval establishments were not more than the civil list and the expenses of the royal family of England. The whole legislative, judicial, and civil departments of the United States did not cost more than 200,000*l.* above the civil list of England and the cost of the royal family. Thus, the American Civil establishments cost 196,946*l.*; Miscellaneous, 150,000*l.*; Diplomatic, 55,000*l.*; Military, including fortifications, 1,160,000*l.*; Navy, including the expense of building, &c., 645,000*l.* For our establishments, the charge was no less than 19,000,000*l.*, being 8,297,000*l.* for the Army; Ordnance, 1,869,000*l.*; Navy, 6,540,000*l.*; Miscellaneous, 2,566,000*l.*: making, with the civil list, 21,000,000*l.* And all this was done by America for little more than 2,000,000*l.* It was thus that that country was husbanding her resources, whilst we were improvidently expending ours. Sixteen millions sterling was the whole of her national debt; being not one year's amount of the cost of our army, navy, and civil establishments. When ministers talked of the honour and dignity of the country, he would remind them, that if they ruined its finances, which they were doing as effectually as they could do, they were, in fact, ruining the honour and dignity which they were pretending to support. England was exceeding her income by four millions and a half a year. Ministers had got rid of the whole of the surplus revenue; and they were now pressing the House to vote the estimates, without the least discretion, and without having any general view of the state of the country. The country was more straitened in her finances than at the conclusion of the war. He hoped the House would pause before it gave its sanction to so large an establishment; and he would therefore propose as an amendment, that sixty-seven thousand three hundred and fifty-nine men be substituted instead of eighty-seven thousand three hundred and fifty-nine men.

Mr. *V. Fitzgerald* denied the assertion of the gallant colonel opposite, that the expenditure of the Army, Navy, Ordnance, and Miscellaneous estimates was between four and five millions more in the last year than in the year 1822. Instead of that, by the paper which he held in his hand, it appeared that the difference was only 1,300,000*l.*

Mr. *Hume* wished to know the precise sums.

Mr. *V. Fitzgerald* stated, that the amount of the Army, Navy, Ordnance, and Miscellaneous services in 1822 was 16,680,000*l.*, and of the same services in the last year 17,941,000*l.*; being a difference of only 1,300,000*l.*

Mr. *Hume* observed, that he held in his hand a paper, in which a different account was given of the matter. It was signed J. C. Herries, and gave an account of the revenue and expenditure of the year ending 1st January, 1827; by which it appeared that the expenditure for the Army, Navy, Ordnance, and Miscellaneous services, was 19,344,187*l.*

Mr. *Herries* begged to say, that, though the papers were perfectly correct, yet the conclusions drawn from them by the hon. member were totally incorrect. He thought that such a deduction as that made by the hon. member would not have been again brought forward, after the explanation which his right hon. friend, the chancellor of the Exchequer, had given the other night upon the subject. He had made a clear distinction between the annual estimates voted by parliament for the Army, Navy, Ordnance, &c., and the sums actually expended within any particular period. It was well known, that, at the end of the year 1825, there was a severe pressure on the country; and that, in consequence, there were heavy demands for money on the Treasury for the payment of Exchequer bills. Under those circumstances, the issues had not been made for the Army and Navy, and the current payments were delayed, so that thus the demands, which were payable in December, 1825, were postponed, in order that the Exchequer, at such a crisis, might be kept as full as possible. The consequence was, that many payments which properly belonged to 1825 fell within the year 1826, indicating a large apparent expenditure in that year. Had matters gone on in the usual way, the postponement might have gone on to a certain extent, so as not to increase the apparent amount of the payments; but an armament became necessary: and it was well known, that when troops were sent abroad it was usual to pay them in advance. Thus an operation of an opposite nature took place; and,

instead of a postponement of payments, an acceleration of them was the consequence. Without any increase of actual expense, therefore, larger payments were made than, under different circumstances, would have been made, between the 1st of January, 1826, and the 1st of January, 1827. The figures which had been read by his right hon. friend near him were the best criterion of the actual expenditure of a single year; and not the paper to which the hon. member for Aberdeen adverted, which was a cash account; and the cash accounts would not afford a just notion of the expense, unless taken for a succession of years. He repeated, that it was strange the hon. gentleman should have fallen into this mistake after the clear explanation of the chancellor of the Exchequer.

Colonel *Davies* observed, that there ought to be some explanatory appendix to the papers, to show what the fact was, and to prevent the occurrence of errors.

Mr. *Maberly* observed, that if he understood the hon. Secretary rightly, the balance-sheet, from which his hon. friend had read, was only a cash account, showing the receipts and payments that had taken place at the Exchequer; and that it ought not to be dealt with as an accurate account of the expenditure, because it might contain under the head of disbursements larger sums than parliament had voted for the year. But how did the chancellor of the Exchequer make his annual statements but from this balance-sheet? In fact, any other account was delusive, because this was the cash account. They all knew what difficulty there had been to procure the introduction of this balance-sheet. Even now the balance-sheet was not what it ought to be. In some respects it was unintelligible. It purported to be an account of the receipt and expenditure at the Exchequer; whereas it contained a number of details respecting the funded and unfunded debt. These were things which ought to be separated. If government advanced a large sum, only a part of which was repaid, that merely made a difference in our debt, and had nothing to do with the receipt and expenditure. On examining this balance-sheet it appeared, that, instead of a balance in our favour of 1,700,000*l*., there was a deficiency of 4,500,000*l*. It was therefore inexpedient that the House should depend on the estimates. They might or might not be correct. But by the receipt and expenditure, as detailed in the balance-sheet, the truth must be ascertained. He was certainly aware, that in a series of years, the cash account could not be larger than the sums in the Appropriation acts; but still the best way, in his opinion, was to ascertain by the balance-sheet, which was a test more within compass; whereas any inference from the Appropriation acts, in consequence of their extent, must be less conclusive.

The resolution was agreed to. On the resolution, "That 111,655*l*. be granted for defraying the charge of the Allowances to the principal Officers of the several Departments in Great Britain and Ireland, their Deputies, Clerks, and contingent Expenses, for the year 1827,"

Mr. *Hume* observed, that on reading the items of this branch of expenditure, and comparing them with those of former years, it appeared to him that every thing was not going on right. Among other charges, there was the sum of 20,000*l*. paid to individuals superannuated from the noble lord's own office. The House would do well to inquire in what manner these retirements and superannuations took place. Was the head of an office to turn out whom he pleased, and make room for whom he pleased, without caring to what extent the public were burthened by the operation? He should be glad to hear from the noble lord on what ground the Deputy-secretary at War had retired since last year. What was the amount of his retiring pension; and on what principle was it granted?

Lord *Palmerston* said, that when the hon. gentleman compared the expense of this branch of service with its expense in former years, it would be well if he would also look at its increased efficiency, and at the superior despatch and accuracy with which the business to which it related was performed. A great part of the expense was not optional, but resulted from the increased demands made by parliament for information on military subjects. Nevertheless, considerable reduction had taken place. In 1814, the annual charge for the Public Departments was 253,000*l*.; at present, in consequence of the reductions to which he had adverted, it was only 111,655*l*. In answer to the hon. gentleman's questions, he would merely observe, that when a department, which had been raised to a large establishment in consequence of a large increase of business, was reduced

in consequence of a reduction of business, it was impossible to dismiss persons who had served long and faithfully without some provision. That provision was regulated by a scale of allowance pointed out in an act of parliament. Of course, when a reduction became necessary, it must be left to the head of each department to select the individuals, who, in his opinion, might best be spared from his office. If that confidence could not be reposed in the head of an office, he was not fit for his situation. He must select those who could be spared with the least inconvenience to the public service. His duty then was, to report their names and services to the Treasury, by whom, and not by him, their retiring allowances were fixed. In the course of this and the last year, having wound up the arrears of his office, he had been enabled to dispense with twenty-two appointments. With respect to the late Deputy-secretary of War, he had served very nearly half a century. Next year he would have completed that term. A more assiduous and excellent public servant never existed. By the provisions of the act of parliament, the Treasury were empowered, if an individual had served fifty years, and there were other grounds for the proceeding, to grant him a retiring pension, equivalent to his salary; and the individual in question, by his age and his services, was fully qualified and entitled to enjoy the advantage. By the existing arrangement, he would have been entitled to the full salary at the end of fifty years' service; but a discretionary power was vested in the Lords of the Treasury to apportion a remuneration proportionate to the services of the officer. Accordingly, he had no hesitation in recommending the claims of the late Deputy-secretary to the Lords of the Treasury, whose merits and whose services entitled him to the most favourable consideration. Upon the falling-in of the late Deputy-secretary's situation, it had been determined to reduce the salary of his successor to 2,000*l.* a year. By this arrangement 500*l.* a year was saved to the public. Then with respect to the principal clerk, whose salary had been 1,200*l.* a year; he would have been shortly entitled to a retiring salary; but by being placed in the situation of Deputy-secretary, the salary was saved to the public, and also the superannuated pension, to which he would have been otherwise entitled. At present he admitted that the charge of Deputy-secretary was apparently a heavy one; but in the course of time—in the course of the next ten years for instance—there would be found to be a considerable saving to the country in this particular item of charge in the military estimates.

Mr. *Hume* thought, notwithstanding the explanation given by the noble lord, that the charge of Deputy-secretary to the country was extravagant. There was a retiring salary of 1,800*l.* to Mr. Moore, to Mr. Merry 2,500*l.*, to the present Deputy-secretary 2,000*l.*, so that the charge to the country for the situation of Deputy-secretary for the War Department was above 6,000*l.* The length of service of the late Deputy-secretary he was prepared to admit; but he understood that that gentleman was as fit to discharge his duties now as he was twenty years ago. He should be glad to know whether the retirement of the late Deputy-secretary was a voluntary resignation, or whether it was in consequence of a suggestion to him to resign his office.

Lord *Palmerston* said, that the resignation of that gentleman was certainly a spontaneous one on his part. He had made the application to him (lord P.), and, in consideration of his merits and services, he had no hesitation in favourably recommending that application to the Lords of the Treasury. It was true that Mr. Merry had not been half a century in the particular situation from which he retired; but it was due to that gentleman to say, that on the retirement from the office of Mr. Moore in 1809, Mr. Merry sustained, and sustained voluntarily, a loss of 800*l.* a-year, which was to have accrued to him from a contract into which he had entered for certain supplies to the garrison of Gibraltar. Such a surrender on his part was deserving of the most favourable consideration, and gave Mr. Merry a claim to any indulgence that might be shown him; although, in his instance, the allowance that had been awarded to him was more a matter of right than of indulgence.

Mr. *Hume* was astonished, after it had been admitted that Mr. Merry had entered when not of age, and had not served the full time, that he should have been allowed to retire on the full pension. Instead of any serious attempt being made to reduce our establishments, there appeared to be a desire to increase them. Since 1822, the civil establishment particularly had gone

on increasing. In 1822 it was 329,000*l.*; this year it amounted to 425,000*l.* So that not only the military dead weight, but the civil dead weight, had been gradually increasing. He thought it was the duty of the House to institute a strict inquiry into the cause of this increase, and to call upon government to redeem the pledge which they had given to make retrenchments.

Mr. *Herries* contended, that the act referred to by his noble friend fully authorised that exercise of discretion in special cases, which had been exercised in the case of Mr. Merry. He could assure the House that matters regarding retired allowances were not lightly disposed of at the Treasury. The certificates were examined, and the claims were investigated, with the utmost strictness.

Mr. *Hume* understood that twenty-two clerks had been reduced in the establishment of the noble lord last year. He wished to know whether any new appointments of clerks had taken place since that reduction.

Lord *Palmerston* answered—none.

The resolution was agreed to.

On the resolution, "That 13,229*l.* be granted, for defraying the charge of the Royal Military College, for the year 1827,"

Mr. *Hume* observed, that, from the Estimates it appeared, that there was a charge for two hundred and sixteen cadets. He wished to know how many of these cadets had been appointed to commissions?

Lord *Palmerston* replied, that sixteen cadets had been appointed without purchase, and twenty-two by purchase.

Mr. *Hume*, then it appears, that the country is saddled with a charge of 13,229*l.* for the supply of thirty-eight cadets to the army.

Sir *H. Hardinge* said, that the number of military students was more than threefold the number who obtained situations from the college. The fact was, that those who were appointed from the college underwent a very severe examination, as a test of superior qualification. Those who did not obtain situations from the college, had all the facility which their family connexion and resources might give them to obtain commissions, and the service was benefited by the advantages of the education which they received at the college.

Sir *Alexander Hope* said, that the benefits arising from the Military College were not confined to the mere annual appointment of thirty-eight or forty officers. The education which officers of the army received was found to be extensively beneficial. Many officers who had been educated there, and who were afterwards scattered in different parts of the world, took surveys of the places in which they had been, and supplied, in this and in other ways, a variety of valuable information. Then, as to staff duties, the improvements which had been effected through the Military College were very important. It was not long ago that an officer belonging to the Austrian army, was employed to give instruction in staff duties. Of late, however, it was found that foreign instruction could be altogether dispensed with; and he was happy to be enabled to state, that the Military College had furnished to the service three quarter-masters general. It was unfair, therefore, in the hon. member to select the mere appointments which had taken place from the college within the last year, and to state, that those appointments, independent of other advantages, formed the only beneficial result that accrued from the grant to the college. The young gentlemen were instructed in all the branches of education necessary to qualify them for the profession to which they were destined. It seemed as if those who objected to this grant were disposed to fix the proportion of ignorance rather than of knowledge that ought to prevail in the army; and to measure its value not by its improvement, but by its deterioration.

Mr. *Hume* admitted that the officers of the army ought to be well educated, but not at the expense of the public. The charge for the staff of the college was no less than 6,000*l.*; while 7,000*l.* more were annually paid for nurses and other attendants. Arithmetic, French, Geography, and the classics, were, no doubt, important branches of education; but, surely, it was not necessary to keep up a distinct college for teaching matters which were to be learned in every grammar school of the kingdom. Yet, these heavy charges were made as if the students came, *in formâ pauperis*, to be educated from the first rudiments of knowledge. He did not apply this remark to fortification and military drawing, because they were not always taught elsewhere; but he thought masters for landscape-painting and experimental philosophy not absolutely requisite for a young cadet. Independent of

twenty-three professors paid by the public, there were five clerks, nineteen men servants, a housekeeper and nurses, at an expense of 13,000*l.* a-year for the education of thirty-eight boys.

Lord *Palmerston* produced a return of the number of students admitted into the Military College, since its first establishment in 1802. The total number was two thousand nine hundred and twenty-eight; of which one thousand three hundred and twenty had received commissions in the king's service, and one hundred and twenty in that of the East India company. The complete defence furnished by his gallant friend rendered it needless for him to say another word regarding the public utility of the establishment.

Mr. *Monck* observed, that the only question was, whether the education of these boys ought to be paid for out of the taxes. Ought the people to be taxed for the purpose of teaching those who would be quite as well, if not better, taught at the expense of their friends and relations? Let the examination, before appointment, still continue as severe as it ought to be, parents would be very glad to qualify their sons for it, in the expectation of the reward of a cadetship. Why was it necessary for the country to educate its officers any more than its physicians, its lawyers, or its divines?

Sir *A. Hope* said, he thought the cadets ought to be educated at the public expense, because the public called upon the parents and friends of those young men to devote them to the service of the country; and because those young men, abandoning the comforts of a private life, or lucrative professions, were bound, by the pledge of their parents, to undergo the hardships of the military profession, and to brave the horrors of various climates.

Sir *E. Carrington*, in answer to the latter part of the speech of the hon. member for Reading, observed, that, by the munificence of prelates, of statesmen, and of princes, the means of adequate education had, from the most remote periods of our history, been supplied to the professions of law, physic, and divinity. No such provision had been made for military education, until this establishment was created, and by that institution a chasm had been honourably and most properly filled up.

Mr. *Hume* said, that no man could conscientiously say, that 6,000*l.* was necessary for the staff officers of such an establishment—a school for a few boys. He could never consent to this throwing away of the public money, and would move as an amendment, "That the sum of 9,000*l.* be substituted for 13,229*l.*"

The Committee divided: For the amendment 29; against it 107. After some further conversation, the several resolutions were agreed to.

HOUSE OF COMMONS.

Tuesday, February 20.

CANADA CLERGY RESERVES.] Mr. *Wilmot Horton* moved for leave to bring in a bill to authorise the Sale of Clergy Reserves in Upper and Lower Canada. The object of the measure was, he said, to enable the corporative of the clergy in Canada to dispose, by private contract, of the lands reserved for the clergy in 1791; with respect to which it was originally arranged that they were to be disposed of to the Canada Company. By alienating a part of the provision appropriated to the clergy by the Canada act of 1791, the value of the remaining portion would be improved, and the country relieved from the expense annually voted for the supply of the Protestant Clergy in that part of the world.

Mr. *Stanley* supported the motion. The short acquaintance he had recently had with the provinces of Canada enabled him to state, that whatever might be the differences of political and party feeling in that country—and there was no place where party feeling ran higher—no person entertained a difference of opinion as to the pernicious tendency of the Clergy Reserves. When Mr. Pitt brought forward the Canada bill in 1791, he distinctly specified, that the arrangement then made must be subject to such modifications as might afterwards be deemed expedient. The experience of thirty-five years had demonstrated not only the inconvenience, but the absolute mischief, which resulted from that arrangement. The appropriation of Clergy Reserves in Canada had operated as a serious obstacle to agricultural improvement. The making of roads, an object of so much importance to the colony, was checked by this arrangement; for, as every man was obliged to make roads through his own estate, where these reserves occurred, the progress of road-making was either arrested, or the burthen

thrown upon the owner of the contiguous land.

Mr. *Hume* expressed his satisfaction at the measure proposed by the hon. Secretary. Nothing tended more to check the progress of improvement in Canada, than the allotment of land to the clergy. He should be glad to know the details of the new arrangement made between his majesty's government and the Canada company. He trusted also, that these reserved lands would be disposed of by some public mode of purchase, so as to enable the proprietors of the adjoining lands to become purchasers. By these means, improvements in the cultivation of land, and in the making of roads, would be more rapidly carried on.

Mr. *W. Horton* observed, that measures would be taken to make it imperative on the clergy to co-operate in the making of roads, and in carrying other improvements into effect. The lands in question were the property of the church of England, as secured to that church by the Canada act of 1791.

Mr. *Baring* said, he entertained strong objections to the appropriation of land in Canada specifically to the church of England; not because he objected to the church of England, for he was as zealous a member of that church as any gentleman in that House, but because he was anxious that the House should not sow the seeds of that very dissention which we now so lamentably deplored in Ireland. If we could contrive some means to make all the people of Canada church of England men, he should have no objection to such an expedient; but if the fact were, that the church of England had taken but slight root in Canada, and that the mass of Protestant Christians in that country were of different persuasions, by appropriating money and land to the church of England in Canada, we should be laying a foundation for future dissention, and for the separation of the colony from the mother country. The Attorney-general for Upper Canada had been examined on the subject of these church Reserves; and, in answer to a question, as to how many members of the legislative assembly in Upper Canada were church of England men, his answer was "two, he being one of the two." Now, he did not know of how many members the legislative assembly consisted; but it could scarcely be a number of which two formed any considerable portion. He wished the House to be aware of the state in which the church of England stood in Canada; for he was persuaded there was not a man of common sense in the country, who would not say, that, instead of promoting the interests of the church of England, by making a provision for it in Canada, we were placing it in a position to be scouted by that legislative assembly, of which two members only belonged to that church, one of those members being his majesty's Attorney-general. With respect to the arrangement for disposing of the church Reserves, he entirely concurred in the expediency of that measure.

Mr. *W. Horton* observed, in explanation, that whether the distribution of lands to which the hon. member alluded, was right or wrong, it was done under the express authority of, and in obedience to, the provisions of the Canada Act, and could not, therefore now be called in question. All they proposed to do at present was, to dispose of a certain portion of those lands, in order that they might render the remainder more productive. With respect to what had fallen from an hon. member upon the subject of the expense of emigration, he begged to observe, that there were many parishes in England most willing to pay half the expense of the removal of their paupers in that way, without any hope of being repaid.

Mr. *Warburton* thought, that in these times, it would have been better to make appropriations of land for the diffusion of education, rather than for the support of the church. The act of parliament reserved one-seventh part of the lands for the maintenance of the established church; but he wished to know whether it was not the intention of government to dispose of the produce of some of those lands, to educate the poor emigrants they were about to convey to Canada. It was not too late to revise the act; and he would most earnestly recommend them to do so, as well as to adopt some measures with respect to the importation of Canada corn. He would remind them of the expressions used by a great philosopher, a great political economist, and the founder of a great empire, the celebrated Dr. Franklin, in his interviews with a noble lord. That great man, in speaking of the colonists, observed, "That if they were to sow and to reap, and yet not be allowed to ship, the sooner the government of this country sent out transports to bring the people home again,

it would be so much the better." The Canada corn bill had been passed for one year; but for some reason, with which he was unacquainted, it was not revived; and the attempt to produce a measure of the same kind had been defeated in the other House in the session before the last. He would, however, most strenuously recommend ministers to turn their attention to the subject; for, unless they could give the emigrants a market, it was useless to talk of the improvement of their lands.

Mr. *Stanley* begged to observe, that in giving his unqualified approbation to the measure proposed, he must be understood as being perfectly aware of the nature of the property allotted to the church, and of being as sensible as any man of the monstrous absurdity of attempting to support what was called the established church, but which, in fact, never would be established. The present sale he understood to be for the impr ement of the remainder of the lands given to the church; and as such it had his approval. It left, too, the question respecting the propriety of such grant precisely where it was; for the act of 1791, under the authority of which it was made, remained just as open to revision or amendment after that sale as it was before.

Mr. *Waithman* condemned, in strong terms, the plan of giving lands in the colonies to any company whatever. He feared that, in such cases, the property was only turned to the purpose of enriching a few individuals, while the mass of those who were seduced by their promises and representations became the victims of their credulity. He had known a great many instances of that kind, and actually seen a person who had made his way back to England from Colombia, after being defrauded of money he had paid for land, and been disappointed in all the prospects held out to him. Many of the unfortunate settlers sent out by companies were, in fact, scattered over the country, instead of being settled down in the places which were promised to them.

Mr. *W. Horton* complained of the kind of declamation used by the hon. alderman upon the subject. Nothing could be more absurd than to say all companies were unworthy, because the members of one had been guilty of deceit.

Mr. *Dawson*, (of Louth), condemned the whole project, as useless and impolitic. They now proposed to sell one part of the land for the improvement of the other; but the day of that improvement would never come. They would be obliged to have a commission to carry these measures into effect, and he had seen too much of commissions not to know that the whole would end in a system of jobbing. Lands never could be rendered productive in the hands of the church. In his own country the church lands were always the worst, probably from the leases being short, and there being no motive therefore for improvement. If the hon. gentleman wished really to improve the lands, let him grant long leases of them for 999 years, or thereabouts, and then the tenants would be stimulated to make them valuable.

Leave was given to bring in the bill.

PRIVATE BILL COMMITTEES.] Mr. *B. Cooper* rose to propose the resolution of which he had given notice, respecting Private Committees. The adoption of this resolution he thought necessary to give effect to the excellent regulations prepared by the hon. member for Staffordshire, to whom the House and the country were much indebted for having taken up the subject. To render those regulations more complete, the privilege of voting on Private Committees should not be allowed to every member of the House. The consequence of such a privilege was, that members who did not attend the committee, and therefore knew nothing of what passed in it, were induced by the solicitation of friends to go and vote at the termination of the inquiry. Such a proceeding was manifestly unjust and mischievous, and ought not to be allowed to continue. It also happened, that some members who had a great deal of local information upon the particular subject of inquiry, were often omitted in the appointment of the original committee; but it was not, however, his intention to deprive a committee of the advantage of their assistance. He would only restrict them to the necessity of a special application to the House, to allow their names to be added to the committee.

The hon. member then proposed the following resolution:—"That after any committee on a petition for a private bill, or on a private bill, shall have been formed according to the new distribution of counties, individual members may be added thereto upon special application to the House, and that no member shall have a

voice in such committee, unless he shall have been originally included within the new lists, or have been so specially appointed afterwards."

Mr. *Mundy* seconded the motion. The greatest inconvenience and mischief had, he said, arisen from members voting on private bills who had not attended to the details in the committee. He had himself on one occasion been requested to vote on a private bill, respecting which he knew nothing whatever. He refused to do so, and had expressed what he could not consider an improper indignation at such a request having been made to him. It was, in his opinion, an insult to a member, to ask him to vote under such circumstances.

The resolution was agreed to.

ARMY ESTIMATES.] The resolutions of the committee to which the Army Estimates were referred being brought up,

Mr. *Hume* said, that seeing the chancellor of the Exchequer in his place, he wished to ask him whether the estimates, as they stood, were meant to include all the expenses of the expedition to Portugal, or whether he intended to propose some addition at a future opportunity? He thought it was time for the right hon. gentleman to be looking about for the ways and means with which he was to pay the estimates.

The *Chancellor of the Exchequer* said, it was impossible for him at that moment to say whether he should propose to the House that the additional expenses incurred by the expedition to Portugal should be defrayed by an addition to the army extraordinaries, or by means of a separate vote. In whatever shape it might be presented, he did not think it would be so formidable as the hon. member seemed to fancy.

On the first resolution being read,

Mr. *Warburton* wished to know whether all the expense of the Portuguese expedition would be defrayed by this country, or any part by Portugal; and if so, what part?

The *Chancellor of the Exchequer* said, that this government was not to pay the expense of the subsistence and the charges for barracks of the troops in Portugal; which were to be defrayed by the government of that country.

On the resolution for a grant to the Royal Military Colleges,

Mr. *Hume* objected to the great expense incurred in the education of young men for the army at the Military Colleges, which bore no proportion to the number of cadets. In the last year only thirty-eight cadets, who had been educated at the Military Colleges had entered the army, and he believed that for some years there had not been more than ten young men at Woolwich.

Mr. Secretary *Peel* thought it was necessary that officers should be educated in such a manner as would qualify them for entering the service. The hon. member was mistaken in supposing that only thirty-eight cadets had been educated; for in time of peace two hundred, and in war four hundred, were educated at these colleges.

Mr. *Maberly* admitted that our officers ought to be properly educated for the service; but thought that that education should be at the charge of their friends. He was persuaded that, if the subject were referred to a committee above-stairs, a saving of ten thousand a-year might be effected.

Mr. *D. W. Harvey* thought it would be very advantageous to refer, not only this particular subject, but the whole of the estimate for the Army, Navy, and Ordnance, to the consideration of a committee, by whom they might be minutely discussed, with a view to public economy. Such a mode of proceeding would also have the effect of doing away with much desultory conversation.

Mr. Secretary *Peel* observed, that that was precisely what had been done in 1817, when a committee above-stairs had fixed the scale by which this part of our expenditure ought to be regulated.

Mr. *D. W. Harvey* thought it would be serviceable to the country, if such a committee was appointed every seven years.

Mr. Alderman *Waithman* complained that there was no symptom of retrenchment manifested in the army. The country could not go on with a military establishment* of 87,000 men. The navy was never more efficient; and on it the safety of the country mainly depended. It was on the principle that retrenchment ought to take place, that he had opposed the grant to the royal duke the other night; not on account of the sum proposed to be granted, but because he conceived it an outrage, that such a proposition

should be brought forward at a time when they were planning the banishment to foreign countries of the flower of the people, through the absolute inability of subsisting them at home. The expense of the country was enormous, and he protested against it altogether. The distresses of the country must be taken into consideration, and the sooner the ministers sat about it the better.

Mr. *Lombe* remonstrated against the enormous expenses of the country, and particularly against the estimates for the land forces.

Mr. *Monck* maintained that the estimates ought to be referred to a committee. The situation of the country had so materially changed within the last ten years, that it was necessary to revise the report of the committee of 1817. With respect to the particular vote before the House, he fully agreed with his hon. friend, that the whole effect of this very large expenditure was the education of thirty-eight young gentlemen.

On the grant being proposed, of 36,272*l.* for maintaining his Majesty's Garrisons at home and abroad, for the year 1827,

Mr. *Hume* said, that he had opposed this vote several years ago, and the time that had since elapsed had more and more convinced him of the necessity of adopting some salutary measure of reform, not only in this particular vote, but with regard to others. He objected to this grant, because he was opposed to the system of sinecures; and he meant to show that, with a few exceptions, the vote which the House was now called upon to pass was principally made up of pensions and sinecures. He would show that in this estimate of 36,272*l.* the country was called upon to pay for a staff in places where no garrisons existed. In short, he meant to show, that the present vote was for the maintenance of a nest of sinecures. When it was proposed to the House in the first instance by the noble Secretary at War, he had said, that his majesty wished to have it in his power to bestow on officers who had distinguished themselves in the service, the appointments to the garrisons at home and abroad as a reward for public conduct. If that feeling had been acted upon in the present instance, he should not have felt it his duty to oppose this vote, but he knew that the opposite policy had been pursued with regard to it, and he believed it to be an undoubted fact, that persons were appointed no better qualified than he was to fill a military station. When he lately passed through Berwick there was not a gun in the garrison; the cause of which he (Mr. Hume) understood to be this:—When the radicals were making a noise in the country, threatening the destruction of property and what not, the governor of Berwick was so alarmed lest the guns of the garrison should fall into their hands, that he actually sent the guns from the place. Every gun in the garrison was swept away, but the governor himself remained. And what did this fear on the part of the governor arise from? Because the people were oppressed beyond their means; for it was nothing but mismanagement on the part of the government of a country that ever tempted its people to rebel. The effect attended upon the cause. He wished from his heart, that the government of this country might never have occasion to revert to a system grounded in fear; and he felt persuaded that the best mode of accomplishing this desirable object, would be to put an end at once to all useless pensions and sinecures, whether in the church, the army, navy, or civil departments. By reverting to a reduction of the church establishment, he felt that he might bring himself under the lash of certain gentlemen who were in the habit of considering church property as an interest vested in the possessor. He would, therefore, refrain at present from pursuing that topic, and reverting to places and sinecures in the departments immediately connected with government, he would say, let all offices that were not necessary be abolished at once, in order that the public might benefit from the saving. The sum required for the garrisons in Great Britain, for the year 1827, amounted to 23,181*l.* The governor of Berwick received an annual salary of 568*l.*, which would be paid out of this vote. The lieutenant-governor was also non-resident, and his salary amounted to 173*l.* The town-adjutant was charged at 69*l.* and the town-major at 69*l.* What these people could have to do in such a garrison, he could not tell. The governor of Blackness Castle was non-resident, and his pay was charged at 284*l.* per annum. There was not a single human being in this castle. The governor of Carlisle was a non-resident; his pay was 172*l.*; and the lieute-

nant-governor, who was also non-resident, received 173*l*. The governor and lieutenant-governor of Chester received 173*l*., and were non-resident. The warden of the Cinque Ports was non-resident, and he received 474*l*. a-year, as governor; the lieutenant-governor received 171*l*., and the deputy 104*l*. If these officers were resident, all he could say was, that the return was erroneous. He should like to know whether a certain officer of Dartmouth had obtained his appointment for military or for parliamentary services. This governor used to be a member of that House, and of course, a ministerial member. This was an instance of the impropriety of these votes. The governor of Dumbarton was a non-resident. There was the appointment of a physician and others, forming a large establishment at the Tower. Some of these officers he found residing in Suffolk, and some in Norfolk. The most improper mode of rewarding services was by sinecures. He should, therefore, move the following amendment;—"That it is highly inexpedient, in the present state of the finances of the country, to keep up garrisons at a charge of 36,272*l*. for the current year, when many of them are useless, and the offices, sinecures, and non-residents; (as for example, at Berwick-upon-Tweed, where there is not a gun on the ramparts, the estimate for the year is 882*l*. for governor, deputy-governor, and staff); that, therefore, it is the opinion of this House, that every unnecessary and sinecure office of this kind should be reduced as they become vacant; and that, wherever it is necessary to grant rewards to officers of extraordinary merit, this House will, on due consideration of each case, grant such provisions as shall be proper, instead of the present practice of granting them sinecure and useless military appointments in garrisons."

Sir *A. Hope* rose to oppose the amendment of the hon. gentleman, who had not proved that the situations of which he spoke were sinecures. With respect to the governor of Berwick, he had been sixty-two years in the service, and the lieutenant-governor forty-nine years, making a total of one hundred and eleven years passed in the service of their country. There was no class of officers, he would venture to affirm, who deserved more from their country than those persons who were appointed governors of garrisons. It appeared that there were thirty-nine governors in all, whose united periods of service amounted to nearly two thousand years. The governor of Chelsea Hospital and himself had seen together a period of one hundred and four years' service. There were, it appeared, five hundred and eighty-eight officers at present on the list, and many had not a higher income than some hon. members of that House were in the habit of giving their head clerks. When it was considered that, however confined their means might be, they were expected to maintain their rank and dignity, the stipends which they received could hardly be considered excessive. It was not true that the army had gone on increasing in its expenditure. To instance one class of officers, he meant the colonels of regiments, they had not received the smallest addition to their pay since the reign of queen Anne.

Mr. *Maberly* said, that he had advised his hon. friend long ago, not to press his objections against these estimates, as such subjects could only be examined with effect in a committee. His hon. friend, however, had followed his own course: and, perhaps, after all, he did right in keeping the subject so constantly before the public. It had, no doubt, the effect of putting a wholesome check to the expenditure of the country. The noble Secretary had admitted, that the committee appointed in 1817 had effected some good. But such a committee, if periodical, would be much more useful. He gave his hon. friend credit for his exertions, and thought that he had, in some degree, checked the progress of expenditure. But he was of opinion, that these were subjects which could only be effectually treated by a committee; and, for his own part, if he were a member of such a committee, he would entirely concur with the gallant officer, that the services of the army deserved to be recompensed. He agreed, however, with his hon. friend, that the subject of sinecures ought not to be overlooked, and hoped that he would press the appointment of a committee.

Lord *Palmerston* said, that the question was not one of detail, but of principle, and was therefore a proper one to be discussed by the House. These garrison appointments might be divided into two classes: those given to inferior officers, to which duties were attached; and those given to higher officers as a reward for

services, and to which neither duties nor residence were attached. The first class was not under discussion. As to the latter class, he contended, that the appointment should be left to the discretion of the Crown. The committee of 1817 had recommended that these appointments should be continued. When he looked at the number of officers which an army like that of England must have, even on the most reduced scale, the Crown ought to have the means of rewarding those who had deserved well of their country. The hon. member had referred to Berwick. Now, when he mentioned the name of general Tarleton, would any gentleman suppose that he had obtained his situation for any support given to ministers in that House? It was well known that general Tarleton had, at a former time, though not very recently, performed most essential military services for the country. When he cited the names of lord Ludlow, general Abercrombie, sir Alexander Hope, sir Lowry Cole, lord Hill, lord Combermere, lord Hutchinson, and the duke of Wellington—when he mentioned these distinguished names, he defied any hon. member to say that the offices which they held had not been properly and usefully bestowed. The last part of the proposition now brought forward by the hon. member, was decidedly objectionable. These offices were held by the Crown. The hon. gentleman proposed to take them from the Crown, and vest them in that House. The House was to confer pensions equivalent to these appointments. If the hon. member had merely proposed that the Crown should grant equivalents in lieu of these offices, he should have felt it his duty to object to such an alteration. Rewards of this nature were a source of pride and distinction to those who, by their merit, obtained them. They were associated with the most gratifying recollections of their military career. Pensions would not be the means of exciting such pleasing and honourable retrospections. But, when the hon. member proposed to transfer the power from the Crown to that House, he must beg to remind him, that such an expedient would be a wide departure from the fundamental principles of the constitution. He looked upon the House of Commons as the most essential, and most useful branch of the constitution; but if the House attempted to wrest from any other portion of the legislature its peculiar functions, it would do an act more destructive to the essence of the constitution of the country, than had ever been done by any minister in that House. It did not belong to the House of Commons to command the army; and, consequently, not to interfere in the distribution of rewards for military services. On this ground alone, if he had no other objection, he would oppose the amendment of the hon. member for Aberdeen.

Mr. *Baring* said, that his hon. friend the member for Montrose, might possibly diminish his influence in the House by the manner in which he objected to every vote. It was, however, unquestionable, that his vigilance had been an insuperable obstacle to many objectionable practices and designs. It was quite impossible that the government could proceed in their present course, unless the people were called upon for the augmentation of taxes, or the finances were to be ruined. One of these two things must occur. The whole system of expenditure ought to be referred to a Committee of the House. The estimates were of a nature which, under the present state of its finances, the country could not supply. Government might say that such a scale of expenditure was necessary to uphold the honour and dignity of the country; but it was impossible for the people to meet that scale. The difference between those who had to spend and those who had to pay, was immense. It was not for government to say, that this garrison was useful, or that this establishment was essential. The question was, could the country afford it? He thought that the present estimate had been most satisfactorily accounted for by the gallant officer who had recently addressed the House, with whom he agreed in thinking that there were many meritorious officers who would gladly accept of a government of small value as a reward of their services, who would feel ill treated by the offer of a pension to the same amount. If, as had been stated, any abuses had crept in, in bestowing these appointments, the best way to expose them was, by giving them publicity. He was sorry to be obliged to oppose the amendment of the hon. member for Aberdeen.

Mr. *Hume* said, he would meet the wishes of his friends, by withdrawing his motion.

Mr. *Rickford* moved as an Amendment,

That the proposed grant be reduced by the sum of 173*l.*, being the salary of the governor of Dartmouth, who was non-resident, and not a military man.

The *Chancellor of the Exchequer* said, that allusion having been made to governors who were not military men, he wished it to be understood, that the government of the Isle of Wight had never been considered a military appointment, that officer discharging the ordinary duties of a lord-lieutenant. The father of the earl of Malmesbury had been for a long time employed in diplomatic situations—a sort of office in which it was well known the individuals seldom made fortunes. He had received the reward of a pension and a peerage from his royal master, with the reversion of a part of that pension to his son. That portion of the pension the present lord Malmesbury had resigned for the government of the Isle of Wight, an office which would cease at his lordship's death, as it had in fact been abolished by the act of 1817.

Mr. *W. Smith* supported the amendment, thinking that by putting an end to one of these sinecures, he should accelerate the extinction of abuses so often and so justly complained of.

The House divided: for Mr. Rickford's amendment 15; for the original resolution 45. The other resolutions were then put, and agreed to.

List of the Minority.

Baring, Alex.	Smith, W.
Dawson, A.	Thompson, C. B.
Easthope, J.	Wood, John
Harvey, D. W.	Wood, Ald.
Lennard, B.	Waithman, Ald.
Lombe, E.	Warburton, H.
Maberly, J.	TELLERS.
Monck, J. B.	Hume, J.
Pendarves, E. W.	Rickford, W.

HOUSE OF LORDS.
Wednesday, February 21.

CORN LAWS.] Lord *Holland* presented a petition, praying for an alteration of the Corn Laws. He wished it to be understood, that he gave no opinion whatever on the subject. He entirely agreed with the noble marquis, that nothing was more erroneous than to consider this as a conflict between different interests. They had all necessarily one interest, and all found their security in the prosperity of each other.

Lord *King* presented a petition, praying for the repeal of the Corn Laws, from certain persons in Gloucestershire, calling themselves members of the Anti-Bread-Tax Association, No. 2. His noble friend near him had just stated, that this was not a contest of interests. He admitted that it ought not to be such a contest; but he was afraid it was a contest between principles that would lead to prosperity and a course of policy that had been too long pursued, and would be, he was afraid, still longer persevered in. The plan that was forthcoming had been too long in concocting to be very beneficial. He expected to see no self-denying ordinance issue from that House. The plan would be something that would not very much displease the landed interest. It would not be what the people prayed for. He would contend, however, that until that which was just and right was done, this question would not be suffered to rest.

Lord *Teynham* thought it was beneath their lordships' dignity to receive a petition from a society calling itself the Anti-Bread-Tax Association. He hoped the noble lord would withdraw it.

Lord *King* presented the petition as the petition of the persons who signed it, though it was indorsed Anti-Bread-Tax Petition.

The Earl of *Lauderdale* said, that when he saw that the indorsements of the petitions were all "Anti-bread Tax Petitions," and understood that there were several, all drawn up in the same words; and when he recollected the speeches of his noble friend, he was at no loss to conjecture who was the author of these petitions.

Lord *King* replied, that whoever might be the author, he was not. The petitions must, however, give his noble friend considerable pleasure, as they must convince him, that other persons could make as great mistakes in matters of political economy as he had made himself.

The *Lord Chancellor* did not know whether the noble lord had drawn up the petitions, or had only indorsed them for their lordships' acceptance; but there was nothing in the indorsement which should prevent their lordships from receiving the petition as the petition of the persons who signed it.

Ordered to lie on the table.

CATHOLIC EMANCIPATION.] The Earl

of *Mountcashel* presented a petition from a barony in Tipperary, signed by thirteen magistrates, and most of the respectable inhabitants, against granting any further concessions to the Catholics. The noble earl, in presenting the petition, complained of the influence exerted by the Catholic priests over their flocks. The people, he said, were indifferent to the subject of Catholic emancipation. There would be many more petitions, such as that which he now presented, if the people did not live under apprehension for their safety. He had known instances where individuals were prevented from speaking out by their fears.

Viscount *Clifden* wished to say a word about the Catholic priests. He had heard from an assistant barrister, who was in the county of Waterford at the time of the election, that there was no ground of complaint against the Catholic priests. They had exerted their interest in favour of their own party. And why not? Did not the Protestant clergy interfere at Reading and in Surrey; and was it to be tolerated in them, and treated as a crime in the Catholics? As to the Protestants being ready to petition against the catholics if they dared, it was his firm conviction, that the vast majority of the Protestant landed proprietors of Ireland were in favour of Catholic emancipation, from a conviction that their security depended on its being carried. The Catholics had suffered from many abuses; and it was not surprising that they should be exasperated. He begged their lordships to reflect seriously on the state of Ireland, and ask themselves how all these things could end? For himself, he would express his conviction, that until the question was settled in favour of the Catholics, there would be neither peace nor tranquillity in that country.

Ordered to lie on the table.

HOUSE OF COMMONS.

Wednesday, February 21.

CORN LAWS.] Lord *Milton* presented sundry petitions from Yorkshire, praying for an alteration in the Corn-laws. To the petition from Leeds—one of the wealthiest and most intelligent manufacturing towns in the country—he wished particularly to call the attention of the House. Undoubtedly, the prosperity of the country depended, in a great degree, upon the prosperity of the landed interest; but, it was impossible that any man could shut his eyes against the fact, of which any man might be convinced by reason and argument, that the Corn-laws were founded in error, and imperiously called for revision. It was said, that the question must be settled in one way or other; but he was of opinion that it was one of those questions which admitted of being settled only in one way. So long as a great portion of the population had reason to complain of the conduct of government—so long as the government stepped between the people and their food—he was satisfied that this question could not be settled. The petitioners prayed for a free trade in corn, subject to a reasonable protection, by a duty on importation proportioned to the exclusive taxation borne by the agriculturist. He called upon ministers to carry that principle into full effect; and not to continue to the landed interest a greater protection than they extended to the mercantile and manufacturing interests. He was sure that such a measure would satisfy the mercantile and manufacturing interests, even if the impost on the introduction of corn were somewhat greater than it ought to be. Unless the trade in corn was made as free as the trade in manufactures, the mercantile and manufacturing interests would labour under the most unjust disadvantages; since they would have to compete not only in the foreign, but in the home markets, with the manufacturers of other countries, where provisions were cheaper, wages lower, and taxation less than in this country. There could not be a stronger proof of the monstrous state of the existing laws, than the necessity under which ministers felt themselves of violating those laws by a temporary abrogation of them, when the approach to famine was apprehended. That system of laws could be little calculated to protect any class of his majesty's subjects, which ministers wete obliged to abrogate, whenever it came into operation in favour of the individuals supposed to be protected.

Sir *E. Knatchbull* expressed his satisfaction at the temperate tone in which the noble lord had introduced the present subject, and he trusted that, when the discussion of the Corn-laws took place, it would be characterized by similar moderation. There was one expression of the noble lord, however, to which he could

not help alluding. The noble lord had intimated that ministers had stepped in between the people and their necessary food. Now, much as he was disposed to support the claims of the landed interest, he could assure the noble lord, that if he believed it to be the intention of the government to step in between the people and their food, he, for one, would no longer give them his support.

Mr. *Duncombe* said, he had been asked to support the cause of the petitioners; but he never could consent to advocate measures, which, in his opinion, involved the ruin of the landed interest. If his majesty's government should propose an alteration of these laws, by which the interests of the landowners would be properly protected, he would give the alteration his support; but if the interests of that class should not be sufficiently attended to, he certainly would not countenance the change.

Mr. *Whitmore* expressed his pleasure at hearing the noble lord state so plainly and so temperately the objects of difference between the parties interested in the corn question. The moderation so strongly exhibited upon that occasion, would go a great way to quiet the fears of the agriculturists, and to satisfy them that the violent changes which they apprehended were not desired by those who called for a modification of the Corn-laws.

Mr. *Marshall* said, that the persons who suffered most from the operation of the Corn-laws had borne their distresses for a long time with great patience; and that they now entertained strong hopes of being relieved from the miseries incidental to the continuance of the present system of restriction—hopes which he earnestly trusted would not be disappointed.

Mr. *Phillips* said, that the great evil arising from the prohibitions of the importation of grain was, that it prevented manufactures from being carried out of the country, in return for the grain that might be brought in. There could not be a greater mistake than to suppose that the introduction of foreign grain would be injurious to the agriculturist: seeing that no change could take place in the commerce of the country that would give it fresh activity, and contribute to the prosperity of the manufacturing classes, without proving beneficial to the holders and occupiers of land.

Sir *T. Lethbridge* could not allow the discussion to terminate without complaining of the high tone taken by the noble lord in presenting the petitions, and of the insinuations which he had thrown out respecting those who were supposed to have taken upon themselves the care of watching over the interests of the landowners. The noble lord had made use of several very extraordinary observations, many of which he did not at that moment feel himself able to advert to; but there was one in particular which struck him very forcibly. The noble lord had said, that the government had by their measures interfered between the people and their food. Now, he considered that to be a very mischievous statement to go forth to the world, as he never saw any attempt to interfere; nor could there be any attempt to interfere between the people and their food, unless when it was proposed to take that course which would have the effect of destroying those who were the true cultivators of the soil producing that food. If they were about to permit an importation of foreign grain, at such a duty as would inevitably drive all the poor lands, and perhaps, a great part of the rich, out of cultivation, then, indeed, they would be interfering with the people and their food, and plunging one of the most important interests of the state into irretrievable ruin. It had been said, and said truly, that there never was an instance in which great importations of foreign grain were permitted, that the country into which they came was not ultimately brought into a condition approaching to a scarcity. The true way to avert these evils, and to afford that relief to all classes of which they seemed to be so much in want, would be to encourage, by every means in their power, the progress of agricultural improvement. By that means they would be able to give support to thousands, thrown out of employment by the use of machinery, and afford that relief to the destitute of the manufacturing classes which it was clear could not now be given by the manufacturers themselves.—One word as to what had fallen from an hon. member on the subject of the market to be opened for the manufactures of this country by the repeal of the Corn-laws. He had lately conversed with a person who thought proper to purchase two hundred thousand quarters of Polish oats. When that individual went to pay the price of those oats, how did the House suppose that payment was made? Why, they would pro-

bably say, in British manufactures. In hardware? No. In bales of cotton goods? No. In silks, in stuffs, or any other productions which were fit for the market in the north of Europe? No. The seller demanded and received payment in English sovereigns. So much for the encouragement the trade and manufactures of the country were to receive from the repeal of the Corn-laws. Nothing could be more absurd than to propose the repeal of these laws for the purpose of encouraging manufactures. The only effect resulting from the repeal would be the destruction of the agricultural interests of this country, and the driving the people to look for their main supply of grain from other countries; from countries not yet made agricultural, but which soon would be, and which countries never could become customers for English manufactures. He protested against any attempt to destroy what he must always consider the most important interest of the state.

SLAVE TRADE AT THE MAURITIUS.] Mr. *F. Buxton*, in rising to move for the Committee of which he had given notice, said, that as the subject had been already discussed in all its details, and as he did not anticipate any opposition, he would content himself with merely moving "That a Select Committee be appointed, to inquire whether the Slave Trade has existed at the Mauritius and its dependencies, to what extent, and the causes thereof."

Mr. *W. Horton* begged the hon. gentleman not to press the appointment of such a committee in the absence of his right hon. friend, the Secretary for Foreign Affairs. There were many things connected with the subject which would render it very desirable that his right hon. friend should be present.

Mr. *F. Buxton* expressed his surprise, that, after that right hon. Secretary had, nearly nine months ago, declared his opinion in favour of inquiry, and declared that, after the charges he had heard, a parliamentary inquiry ought to take place, there should be any opposition, or hesitation in consenting to the appointment of a committee. As he had had no opportunity, however, of any immediate correspondence with that right hon. gentleman, he would consent to postpone his motion for the present, upon the consideration of the hon. Secretary consenting to reply to two, or even one, question. He was convinced, in the first place, that if there was any intention to send out a commission to the colony, it would prove wholly useless. No justice could be done by such a commission; and he made that assertion upon the strength of the best, because it was hostile, testimony. The last question he had put to a hostile witness before the last committee was—"Do you think the trading in slaves at the Mauritius in the year 1820 to have been as notorious as the sun at noon-day?" The answer was, "I think it is." Then came the point, that, although the trade was, as it had been thus described from the mouth of a hostile witness, as notorious as the sun at noon-day, it was equally notorious that, although great numbers of ships had been captured, and no less than two thousand five hundred slaves taken, not a single individual had ever been punished. So prevalent, indeed, was the feeling in favour of slavery, that it was declared there was an impossibility in procuring conviction. In case it was not the intention of the government to send out a commission, the hon. member observed, as we understood, that he had an equally strong objection to a commission at home; and he begged, therefore, to ask what was the intention of government upon the subject?

Mr. *W. Horton* replied, that he was not prepared to give a perfectly satisfactory explanation of the matters referred to by the hon. member, in the absence of his right hon. friend. He was not, however, aware that it was the intention of government to send out a commission to the Mauritius; and, as to a committee at home upon the subject, it was not, in his opinion, by any means likely to be productive of beneficial results.

Mr. Buxton then withdrew his motion.

NORTHAMPTON ELECTION—CONDUCT OF THE CORPORATION.] Major *Maberly*, in rising to bring forward the motion of which he had given notice, relative to the petition from Northampton, complaining of the conduct of the Corporation of that borough, felt himself placed in circumstances of no ordinary difficulty. Under no circumstances, indeed, did a public accuser find himself in a very grateful position; but, upon the present occasion, he felt all the usual unpleasantness of such an office, with the addition of no slight embarrassment, arising from considerations that personally affected himself; for, in this case, while he knew, on the one hand,

that he had been intrusted by his constituents with the execution of a duty of the most serious nature, and involving great responsibility in its discharge, he could not conceal from himself, on the other, that with those gentlemen against whom he was instructed to bring the charge that he was about to submit to the House, he was necessarily placed in a situation of direct and hostile collision. But he felt that he should not perform the duty he owed to those constituents, if he did not attempt to expose what he thought, on the part of the corporation of Northampton, a gross dereliction of duty, he was not the less anxious to guard against the imputation of being actuated (for interested in this case he was, nor could he be otherwise) by private or political rancour and malevolence. All he regretted was, that the two petitions which had been presented on this subject had not been intrusted to abler hands, and that his constituents had come to him to redeem the pledge he had given of bringing forward this case, if they should persevere in their intention of submitting it to the House.—The circumstances of that case might be thus simply stated. The corporation of Northampton, a rich and powerful corporation, at the last general election, availed themselves of that influence which they conceived their wealth and power entitled them to exercise in this manner:—A few days previous to the dissolution of the last parliament, a gentleman, of no little consideration in the county, at a meeting of the borough corporation for conducting some ordinary business, brought forward a motion for granting 1,000*l.* towards defraying the costs of any gentleman who should come forward, in the ministerial interest, to represent the borough in parliament. The vote was agreed to; and, in consequence, a deputation from the borough was despatched to various places to find such a candidate. A committee was formed; and, according to report (for he had no positive proof of the fact), an agreement was entered into with the candidate who offered, to this effect, that he should find a portion of money to meet the expenses of the election; the corporation undertaking to provide, partly by private subscriptions, and partly out of the corporate funds, for the remainder. Subsequently to the election, and about the middle of the last month, a circular was issued to every member of the corporation, to the following effect:—"You are hereby summoned to attend the corporate assembly, to be held by the mayor, &c. of the borough in Northampton, for determining on certain propositions to be submitted on the following subjects; namely, the grant of a sum of money not exceeding 1,000*l.* to be applied, under the directions of a committee, towards paying the ordinary legal expenses of one of the candidates for representing this borough in parliament," &c. &c. This vote was objected to by two or three gentlemen who were present; on which the mayor read to the meeting the opinions of three legal gentlemen on the subject; and concluded, upon that authority, by informing the corporation, that the property they were about to vote was their own, and that they might grant it without fees or scruple. On this, the money was voted; the three gentlemen in question alone protesting against the grant.—This being the state of the case, he had no hesitation in saying, that, so far as common sense and reason were concerned, here was a palpable abuse in the application of the corporate funds. He might be told, that this money was the property of the corporation, which possessed as full a dominion over it, as any individual could exercise over his own private funds; that some of these corporation funds were fairly and honestly applied to the charitable purposes for which they had been originally assigned or bequeathed; and that other portions were disposable by the corporation, under the terms of their investment, at the pleasure of that corporation. But, against such doctrines he should altogether protest. The power which the corporation of Northampton assumed was one which, if permitted, would leave the minority of every corporation a poor, plundered, and despoiled body, in cases such as the present. The corporation of Northampton were placed in this dilemma. If the majority of a corporation have a power of binding the minority, in such an instance as the present, then he did not know what case could possibly arise, in any corporation in which the majority might not bind the minority. But, taking the other horn of the dilemma, and acting upon the principle that a majority of a corporation had not an unlimited power of binding the minority, he would contend, that a corporation had no such power; that they had a power only of binding the minority in

resolutions relating to corporate purposes; and that, as the sum proposed to be vested was not fairly applicable to corporate purposes, such a resolution was not binding upon the whole corporation. That no corporate purpose was to be answered was manifest, from the circumstance of the right of the corporation being in no manner questioned—of their interests being in no degree attempted to be invaded. So far, therefore, there was no proof of a corporate interest requiring the illegal and unconstitutional interference, which, he contended, was, in the present instance, introduced into the affairs of the corporation, by the vote proposed. What were fairly to be considered corporate purposes? Judge Blackstone—no mean authority upon constitutional subjects—said, that corporations were instituted for the peace, good order, and good government, of the town. The late sir Samuel Romilly adopted this principle, and even enlarged upon it by saying, that corporations were not only instituted for the good government of particular towns, but for the good of the kingdom at large. Other eminent constitutional authorities confirmed this opinion; but no sound precedent could be produced in favour of the disposal of the funds of the corporation, in the manner in which they had been disposed of in the instance to which he referred. But let the House consider the mischief of this conduct, as it operated as a ground for several towns uniting together for the return of several members of ministerial principles. If the majority of the borough of Northampton were permitted to unite in one instance, why might not that majority unite and coalesce with the majority of the borough of Leicester, or of any other town, for the support of any member for each of those towns in whose support their majorities might agree. If one, why not all? Why not, also, public companies? On the same principle might the Bank of England, the East India company, and other wealthy bodies, unite their interests and patronage for the purpose of influencing elections. And thus might the purity of election be destroyed by bodies whose funds were legally and constitutionally applicable for local or general benefit only. He was aware that the investigation he sought for might be denied on the ground of his having a remedy elsewhere. To this he would reply, that his only remedy was in the interposition of parliament. In courts of law or equity there was no remedy; and this he was prepared to show. The only courts to which application could be made for redress, were the courts of Chancery and the King's-bench; but neither of these had jurisdiction in the case he had stated to the House. The hon. member then cited the cases of the corporation of Colchester, and the corporation of Yarmouth, to shew, that in the one the court of Chancery, which had been applied to, pronounced that it had no jurisdiction in similar questions, though it intimated that the court of King's-bench probably had it; and the court of King's-bench decided, that it possessed not the jurisdiction in question, but referred the parties to the court of Chancery. This was the doctrine laid down, after all legal argument on the matter had been exhausted by such men as sir Samuel Romilly, sir Arthur Piggott, Mr. Horne, and the then Attorney-general, in one court; and Mr. Erskine, Mr. Justice Ashurst, and others, in the other. Was he not, then, justified in saying no remedy was to be found in a court of law or equity? Both courts were applied to on a case similar to that of Northampton, and no redress was obtained. Under these circumstances it was the duty of the House to interfere. This was not a question between subject and subject: it was a question between parliament and the offenders; and in no such case had it refused the aid of its authority. Let them recollect, too, the inequality of the parties. If an individual had to contend with a corporate body, with what unequal weapons did they meet! The one had to pay all the expenses of the contest out of his own pocket, while the other, backed by the funds of the body, was enabled to support one malversation by the commission of another. On such considerations, even if the law afforded a remedy, the House ought to interpose its authority in favour of the unprotected individual. How much stronger, then, was his claim, when no other remedy was to be had! It might be said, that such interference was unprecedented. He was prepared to show the reverse to be the fact. In the Irish parliament a petition was presented on one occasion, from a freeman of Limerick, complaining of certain acts of malversation committed by the corporation of that city, and the petition was referred to a committee, which afterwards reported upon it. In that

case, several resolutions had been passed, and money had been voted for public purposes. The corporation had also made leases of the corporate lands, at very small rents, and finally a resolution was come to, that the interposition of the House was necessary. In 1819 and 1820, a committee was appointed respecting the same city of Limerick, and the House came to a resolution, that the practices of the corporation were such that the House should interfere. The hon. gentleman here read from the minutes, one of the resolutions of the Limerick corporation, to this effect;—"Resolved unanimously, that, as a vexatious petition has been presented to the House of Commons, against the return of major Vereker, the chamberlain do defend the same." And then came an order to reimburse the chamberlain, lord Gort, for the expenses incurred by him in that defence. The course adopted on that occasion was, that his hon. friend the member for Limerick (Mr. Spring Rice) moved for the appointment of a committee, to examine into the disposition which had been made of the corporation funds of that city; and that numerous malversations were brought to light. The decision of that committee had been recognized and acted upon by the House. The legislature had, in fact, invariably asserted its right to interfere, and put an end to similar abuses. There was no instance in which the House had not so interfered. He trusted that he had made out a *prima facie* case for their interference on the present occasion: and that his motion would be agreed to. If it were rejected, the freedom of election would receive a deep wound; the character of parliament would suffer; justice would be denied; and offenders, instead of being punished for a gross act of malversation, would triumphantly escape. The hon. gentleman concluded by moving, "That a select committee be appointed to take into consideration the petitions presented to this House, complaining of the conduct of the Corporation of Northampton."

The Clerk having read the said Petitions,

The *Attorney-General* (sir Charles Wetherell) rose to express his dissent from the hon. gentleman's premises, although, if he did not feel himself obliged to do so, he should perfectly agree with him in his conclusion. He perfectly agreed with him, that if the conduct of the corporation of Northampton had been such as he had described, it ought to be made the subject of serious investigation; and that, if neither a court of law, nor a court of equity, had any jurisdiction in the case, it should then be brought under the consideration of parliament. If neither our courts of law nor our courts of equity were competent to enforce a restitution of funds, which, according to the hon. gentleman, had been so grossly misapplied, then, indeed, he should arrive at the conclusion of the hon. gentleman, that the House of Commons should throw its doors open to the complaint. But he dissented entirely from the hon. gentleman's premises. The hon. gentleman had divided the question into two parts. He first asked whether there was any remedy in the court of King's-bench, or in a court of equity; to which the hon. gentleman himself answered, no; and he then said, that it therefore became the duty of the House to interfere. In support of his first proposition, the hon. gentleman had cited two authorities. The first was sir William Blackstone; but it was well known that Blackstone did not contain any statement materially bearing on this question. The next authority quoted by the hon. gentleman was the dictum of a very eminent person, once a member of that House; a man eminent as a scholar and a lawyer; but by no means deficient in zeal as an advocate; and therefore a man whose dictum in the court of Chancery it would by no means be prudent to adopt as the cool and deliberate opinion of a judge. What, then, were the hon. gentleman's real authorities for his premises? One was, that in a case in which a corporation were charged with applying 2,000*l.* directly or indirectly for electioneering purposes, the matter being brought into a court of law, it had been laid down, and properly, that a court of law could not determine whether the act was right or wrong, and that, unless it was established that the money was criminally applied, the court could not deal with it. But Judge Ashurst said, on that occasion, that if a breach of trust had been committed, the proper place for the consideration of the subject was a court of equity, to whose peculiar jurisdiction it belonged. The hon. member had asserted, that in the case of Colchester the lord chancellor said, that he had no jurisdiction. If so; if the court of King's-bench had sent the matter to the court of Chancery, and the

court of Chancery had repudiated it, then indeed the hon. gentleman had made out his case. But what were the facts? He had himself been of counsel in the Colchester case; and, although it was some years since its occurrence, he had a recollection of the main facts. There had been many electioneering contests for the borough of Colchester, in which the mayor had espoused one side. In order to pay the expenses of that side the sum of 2,000*l.* had been voted by the corporation to Mr. Lowten, a solicitor in London, who had been the solicitor of the candidate whom they favoured. This sum was secured by bond. Some question arose respecting the interest, and the point having been referred to an arbitrator, he determined that it ought to be paid by the corporation. The whole sum, interest, &c. was then charged as a mortgage on the corporation estates. A considerable time afterwards, the party in the corporation with whom this proceeding originated, having become weaker, a bill was filed in the court of Chancery to set aside the mortgage. The right of the corporation to make the payment was discussed. The hon. gentleman said, that lord Eldon had declared that he could not take cognizance of such a case. By no means. What he said was, that he could not undertake to say that the original vote of 2,000*l.* was so obviously improper, as to constitute a breach of trust; and on that account, he could not deal with it. Instead, therefore, of denying that he could take cognizance of the improper use of corporation funds, lord Eldon had laid down quite an opposite doctrine; namely, that if a breach of trust had been made out, he could have dealt with the transaction. With respect to the Limerick case, to which the hon. gentleman had referred, a select committee had been appointed to investigate the misapplication of 800*l.* But the committee only reported the fact. It did not appear that any subsequent proceeding had taken place; so that the case was no authority on the subject.—With respect to the transaction now under consideration, he had no hesitation in saying, that if it was such as had been described it was a clear and undoubted breach of trust; which would be a very fit subject for an information in the court of Chancery. He could not therefore concur in the hon. gentleman's motion for submitting it to the investigation of a committee. It was a most inconvenient course to bring that which was a fit subject for a court before the House of Commons. To consent to such a proceeding would be to admit that the ordinary courts were too weak to go on with their proper business. It was the practice of every day to file informations in the court of Chancery for breaches of trust. In order that it might not be supposed that he had the slightest wish to screen delinquency, either in this or in any other case, he willingly declared, as attorney-general, that if a paper, stating this case were put into his hands, and he found upon inquiry, that the statements were founded in truth, he should not hesitate to put the case in the form of an information in the court of Chancery, in order to compel the corporation in question to refund the money which they had so improperly applied.

Mr. *Spring Rice*, after apologizing for his presumption in rising after the very clear and able statement of his hon. friend who had brought this subject under the consideration of the House, said he was desirous to show the hon. and learned gentleman opposite, that he had fallen into an inadvertent error. In the first place, he wished to disembarrass the subject of a great portion of the legal subtleties by which it had been surrounded. It was a question which involved considerations of a much larger and more important nature, than the hon. and learned gentleman seemed to imagine. If it were merely a complaint from the town of Northampton that the corporation had, for their own benefit, or for any undue purpose, misapplied their funds, it might be a question, whether the House ought to agree to a motion for inquiry. He for one might be disposed, in such a case, to acquiesce in the doctrine laid down by the hon. and learned gentleman, that, if the petitioners had a clear legal remedy, the House ought not to exert its authority on the subject. But, what was the actual complaint? In the older and better times of parliament, if it had been alleged that a corporate body had misapplied their funds, for the purpose of procuring the return of a member to that House, he doubted whether an attorney-general would have refused an inquiry on legal grounds, or have told the complainants to go to a court of equity, in order to ascertain, not if the money of the corporation had gone to A or B, but if it had been applied to influence the

election of a member of the House of Commons; and that not merely as between two individuals, but with regard to the two great political parties into which the country was, and ever would be, divided. The corporation of Northampton had entered into this crusade, not in defence of their corporation interests, but simply in support of a ministerial candidate for the borough of Northampton. This was not a question merely concerning the corporation of Northampton: it affected the corporations of all England. Suppose the case brought before the court of Chancery, what was the utmost that could be expected?—merely that the parties who had misapplied the money would be obliged to refund it. This was not the duty of the representatives of the people. The House had only one of two courses to pursue—either by a bill, or by a standing order or express declaration, that they viewed the proceeding of the corporation as an infringement of their rights and privileges, and of the rights of the electors of this country. If corporations were allowed to apply their funds to election purposes, what individual would ever stand a contest? Whose private purse could compete with the funds of a whole corporation? In the Limerick case, the misapplication of the corporate funds was to the extent of 800*l.* The fact came out accidentally before an election committee, which merely reported that the minutes should be printed. Two years after, a select committee was appointed, upon petition, which received evidence, selected documents, and produced a report. A bill was then brought in, which was referred to another committee. This committee sat twenty-one days, counsel were heard, and the bill at length passed. His gallant friend looked at protection for the future, more than at punishment for the past, in bringing the subject before the House. Did the Attorney-general only mean to state what no attorney-general would refuse to say, "that if abuses of trust were made known to him, as attorney-general, he would allow his name to be used in prosecuting the offence." Or did the learned gentleman's proposition amount to this—that he would proceed in this particular case?

The *Attorney General*, across the table, —No.

Mr. *Spring Rice*:—Then the learned gentleman's proposition amounted to nothing. Suppose proceedings were commenced in this case in the court of Chancery, was there a man living who could tell when there would be a judgment given in the case. Would an application to the court of Chancery produce the cheap and speedy justice to remedy or control such cases, and provide against their repetition? Was this the remedy which was so liberally tendered by the attorney-general? If a private individual had a purse long enough to undertake a Chancery suit, the attorney-general would be kind enough to lend his name to the proceedings. Was this the mode of redressing a great public abuse? He implored the House, as they valued their own character and fame—nay, as they wished to guard themselves from the supposition, the shame, the reproach, of sanctioning that abuse which was to buy a ministerial candidate, not to pass over the offence so lightly. He hoped that the House would not cast their rights and privileges at the feet of the courts of law, from which their ancestors had so often rescued them, and where those rights and privileges never could be trusted with safety.

Sir *George Robinson* rose, merely for the purpose of supporting the motion of his hon. friend and colleague. He did not consider this a fit case for a court of law. It ought to be taken up on constitutional principles, and decided in that House. He would only further state, that the returning officer belonged to that body who had supplied the money; and this of itself implied such a partiality, that the election could not have taken place under him with fairness.

Mr. *Hudson Gurney* said, that the hon. member for Limerick had so entirely demolished the speech of the attorney-general, that he would not trouble the House at any length. This was not a case of nice legal distinctions, as to the cognizance of what court the offence ought to be submitted. It was a question of mere plain common sense. If the petition before the House stated the truth, the corporation had committed an open and enormous malversation on the funds of the community of Northampton, for which they were trustees, in the misapplication of the common property to purposes which brought them distinctly and clearly before the House.—He was one who thought the system of open corporations, under which the inhabitants of large places elected their own magistrates, the very best that could

possibly be devised, or had ever subsisted, for their municipal government. But it was obvious, that its attendant evil was more or less of temptation to tamper with the public property committed to their charge; and, whenever any corporation had thus betrayed its trust, and applied the funds of the commonalty to improper purposes, no occasion of repressing these malversations should ever be lost. It was quite evident that the law here would afford no remedy. An appeal to the law must be made at individual expense; and the case would be defended at the expense of those very funds on which the fraud had already been committed—the community twice paying for having been once plundered.—There was one part of the hon. member for Limerick's speech, which he had heard with great regret; namely, his allusion to this money having been taken for the support of a ministerial candidate. This was mixing a party feeling in that which was any thing but a party question. It was nothing to the purpose, whether the candidate were on the one side or the other. The case, as stated, was one of misapplication of common funds to the election of members of parliament, and he could not see how it was possible that the House could abstain from instituting an inquiry on such an allegation.

Mr. Secretary *Peel* said, he much regretted that before he came down to the House, it had not been in his power to make himself more perfectly acquainted with the circumstances of this particular case. He had only been fortunate enough to hear the last two speeches, and to read in the votes of the House one of the petitions referred to. He could very sincerely assure the House, that, in coming to a vote upon this subject, he would solely exercise his own judgment, and decide, without reference, in the slightest degree, to any party considerations. He had reason to regret further, that in the course of what he understood his hon. and learned friend near him to have said, some observations should have escaped, calculated to excite prejudice, and interfere with an impartial decision. Agreeing, as he did in the main, with what had fallen from his hon. and learned friend, he the more regretted being under the necessity of making this exception. It was an exception, however, which he owed to candour, and a sense of justice. For himself, he could declare, that he was entirely indifferent as to what the merits of the sitting members might have been. To him, it was a consideration of the most complete indifference, whether the individual referred to belonged to the ministerial side or to that of the opposition. If the act, which formed the subject matter of the petition could truly be considered a legitimate exercise of a right—if the support of the candidate, who had been supported by corporate funds, was in itself a legal, a proper, and a constitutional act, it mattered nothing to parliament, or to him, whether that gentleman sat on his side of the House or on the other. If the corporation, or a majority of that body, were of ministerial politics, who would question their right to support, by all lawful means, the candidate that agreed in sentiment with them? He would ask, what odium attached to ministerial members, or the support of ministerial candidates? The question then before the House had nothing to do with party; and he was determined to view it without the slightest reference to any consideration of that nature. If the act were in itself legal, the particular object of it was a matter of no moment to the decision of that House. But, it remained to be considered, whether it was or was not a legal and constitutional application of public funds. There appeared to him to arise a material distinction between some of the allegations contained in the petition which had been printed, and that which had last been presented to the House. Considering the subject as stated in the printed petition, he conceived that the question presented for the decision of the House, was contained in a passage of the printed petition, which set forth, that certain charitable funds intrusted to the corporation, had been by them most improperly applied, to forward election purposes. If that were a true allegation, then nothing could be more obvious, than that the application of the money was illegal, and his hon. and learned friend had most fairly and judiciously said, that there existed a legal remedy, or equitable one, and that he was perfectly willing to lend them the use of his name, in asserting that right in the court of chancery. Nothing that he had heard could raise a doubt in his mind, that if a corporation, being the trustees of a charitable fund, are induced, from any considerations of a po-

litical character to divert that fund to any other than its legitimate purposes, there could not be a case of grosser impropriety, one better entitled to a legal remedy, or one more imperatively demanding a solemn inquiry upon oath. If the view of the subject were just, which he founded on the passage in the petition referred to, he had not the slightest hesitation in saying, that a remedy by law was to be preferred to any measure that might be adopted by that House. The allegation in the second petition was, that the corporation were not at liberty to apply their own undisputed property to such a purpose. Now, the distinction between these allegations, it was material for the House to observe; for it was one thing to affirm that it was a diversion of charitable funds, and quite another to allege, that it was illegal in the corporation so to apply their own funds. This question presented itself—had the corporation a right, from funds legally their own, to pay the legal expenses of an election? Now, this could scarcely be answered in the affirmative, if the doctrine of the hon. mover, respecting the general powers of corporations, be founded in law. He maintained, that, unless the funds of a corporation be applied to purposes strictly corporate, it was a misapplication, in which the majority had no power to bind the minority. While these observations were being made, he observed, that the hon. member for London listened with much anxiety. That doctrine must, indeed, to him, have proved new. What! the majority not bind the minority, in cases where there was an application of funds to purposes not directly corporate. If that doctrine were true, what became of the vote which gave 1,000*l.* for the encouragement of the Greeks? He stopped not then to inquire whether such an application was right or wrong, he merely observed, that it was not for corporate purposes. Under the influence of a classical taste, they had voted a sum of money for the relief of a classical people. How could the gallant officer affirm, that, in the application of money so applied, the majority could not bind the minority. The question as it stood before the House, founded on the two allegations, was one on which he would rather not then give a positive opinion. He would, for the present at least, assume, that the expenses were legal and perfectly recognized by parliament—that they were, for instance as legal as those of assessor or counsel, or any other expenses of that class. Then the question resolved itself into this—was it justifiable in the corporation to apply its own undoubted funds to such a purpose? To explain himself more clearly, by giving an instance:—Might a peer, against whose interference in election matters there existed much jealousy—might peer pay any of the expenses of a candidate, those expenses not being in themselves illegal? It had never been alleged that such conduct in a peer would be unlawful. Then, was a corporation to be placed within narrower limits than an individual? Here he had been confining himself to what a corporation might legally do; not what would be judicious or expedient. If he were a member of such a corporation, and the question were propounded to him, he would certainly advise that there should not be any such application of their funds; a corporation, composed of members, having an eternal existence, possessing, perhaps, unlimited funds—he would say, that they ought seriously to pause, before they made such an application of the funds placed at their disposal. But, though he should feel bound to give that advice, he would be far from saying, that as the law now stood, the corporation had been guilty of a breach of the privileges of that House. It was by no means an unusual circumstance, for a corporation to vote 500*l.* or 200*l.* to the chief magistrates on retirement from office—or 1,000*l.* to their last Lord Mayor, to reimburse him for the expenses of certain elegant entertainments—though, certainly, those, it must be confessed, were for strictly corporate purposes [a laugh.] Whatever views might be entertained on either side of this question, he thought it extremely desirable that the House should be furnished with a plain statement of what the practice in such cases had been; and, without prejudging what the law of the case would turn out to be, he would be rather inclined to vote for a committee to inquire into the practice. The question was a very important one, and he should be extremely unwilling to say any thing that might seem like prejudging it in a legal point of view; but, whatever might turn out to be the law of it, he repeated, that, were he a member of a corporation, he would never advise such an appropriation of public money; at the same time, he

must add, that he did not believe the corporation of Northampton wished to prejudice the inquiry, or to do any thing that was wrong. They, there was every reason to believe, had acted all along, as if they thought themselves perfectly warranted in the course they were pursuing—they had consulted the most eminent lawyers—they denied that the funds were appointed for charitable purposes. For years past, they had been in the habit of disposing of these funds in such manner as they thought proper; and, so far as could be perceived, it had never entered into their contemplation to doubt that they were doing otherwise, than disposing of their lawful property, in supporting a candidate, whose political opinions coincided with their own. They spared no pains to satisfy themselves that they were pursuing a course warranted by the general law of the land, and the privileges of parliament. They took the opinion of Mr. Warren, and that was decidedly with them. It was perfectly clear that the corporation had no wish to offend: it was evident that they had taken every pains to avoid offence, and nothing but the great question remained, as to their legal right, both as to the nature of the expenses paid, and the source whence the funds were derived. If it appeared to be manifestly a misapplication of charitable property to election purposes, then he would at once say, go before a court of law, and assert your right; and even if it should appear, as there was reason, from the second petition, to expect it might, to have been an application of property, in the disposal of which they were not specially limited, to election purposes, he would not be disposed to shrink from such an inquiry as would put the House in possession of the practice; and, when that was once ascertained, it only remained to determine whether any, and what, legislative measure might be required.

Lord *Althorp* said, that the present complaint was one which affected the rights and privileges of the House, and as such it was their duty to inquire into the circumstances out of which it arose. He concurred with the right hon. Secretary, that it was desirable that the House should acquire a knowledge of facts, before any distinct measure was adopted. If it should turn out upon investigation that the facts, as stated in the last petition, were true, some act of legislative interposition would be necessary to prevent the recurrence of proceedings so reprehensible and unconstitutional. It appeared to him; as he was sure it must also appear to the right hon. gentleman, that if every corporation in the kingdom were to be permitted to apply its funds as the corporation of Northampton was stated to have done (and if one corporation made such an appropriation, all had an equal right to do so), the practice would be a direct infringement upon the privileges of that House, and could not fail to be attended with the most pernicious consequences to the country.

Mr. *Abercromby* considered this to be a question on which it was desirable that the House should act upon some clear, definite, and ascertained principle. The right hon. Secretary seemed to have fallen into a misconception, and to have attached the whole importance to the question—whether or not the money had been diverted from charitable purposes. But, the real and single point with which the House had to deal, was the fact as alleged, that 1,000*l.* had been appropriated to election purposes. The sole question was, whether the House should suffer all corporations to appropriate their funds to election purposes? If it should appear on investigation that any portion of this 1,000*l.* had been so employed, that would form a case in which the House would be bound to adopt measures, founded upon the ascertained fact, that a sum of money had been applied in a practice such as that House did not sanction. If it were found that the funds appointed for charitable purposes had been misappropriated in the manner complained of, it would devolve upon the House, as a duty, to order the attorney-general to take means to vindicate the rights of those charities. But he protested against that which would be contrary to the known principles of that House—namely, against its affording a sanction to the attorney-general, or any other person, going to a court of law or equity, to obtain from it a decision as to the rights and privileges of that House.

Mr. Alderman *Waithman* denied that the corporation, to which he had the honour to belong, had ever made an improper application of the charitable funds intrusted to their care. It had happened to him that he had been obliged to differ with the corporation of London as to the

application of funds intrusted to their management, but never upon occasions of this description. He agreed with the right hon. Secretary, that such proceedings on the part of any corporation ought to be inquired into; for, if allowed to be practised, the great cities and towns of the empire might be reduced to the situation of Bath, where the corporation elected each other, and some thirty or forty persons return representatives for a population of many thousands.

Mr. Secretary *Peel* disclaimed the intention of casting any imputation upon the corporation of London. He had had an opportunity, for several years, of observing the conduct of that body, and had never known a single act to have been done by it, upon which that House, or he, or any other individual, could found a reasonable complaint. He had only referred to the corporation of London incidentally, in answer to the argument of the gallant officer, and the purport of his observation in reference to it, was merely, that if the proposition of the minority being bound by the majority were tenable, the act of the corporation which he had instanced, could not, on that principle, be vindicated.

Lord *John Russell* expressed his surprise at the unwillingness of the right hon. gentleman to refer the question in the manner proposed. The practice complained of might prove in the highest degree detrimental. The question certainly was not, whether the candidate, supported by a corporation, were a ministerial, or an opposition candidate, but whether a corporation was to be suffered to set one party in a town against another. If the habit of supporting the candidates of particular parties prevailed, elections in this country would soon become even more corrupt than they had been, and the general opinion of a city would be overborne by the contribution of immense sums to support the person who might happen for the time to be the favourite of the corporation. It might be said, that the funds appropriated to these purposes did not form a portion of the funds designed for charitable objects. But how could this fact be ascertained? Who could say what particular portion of the funds of a corporation had been applied to a specific purpose? If this was a legal application of the funds, he should be, on that account, even more anxious for a committee; for in that case some measure would be the more necessary to preserve the purity of parliament.

Mr. Secretary *Peel*.—I am sorry that my argument has been so completely misunderstood. What I say is this, if any corporation has applied charitable funds to election purposes, I cannot conceive a more reprehensible application of such funds. If a corporation has applied funds over which they have an entire and undisputed control, to election purposes, I do not say that I approve of such an application; all I ask of this House is, not this night to vote such an application a breach of its privileges. I have such doubts of the propriety of such an application of corporation funds, that if any corporation were to ask my opinion as to their right so to apply the general funds of the corporation, my advice would be—"Don't do any thing of the kind." And I further say, that if such an application of corporation funds shall be decided not to be illegal, my objections to it are so strong, that in my opinion, a legislative remedy should be resorted to, to prevent the recurrence of a similar application.

Major *Maberly* begged leave to withdraw his original motion, and to substitute the following:—"That a Select Committee be appointed to inquire into any payment, or engagement to pay Election expenses, by the corporation of Northampton, at the late Election."—The motion was agreed to, and a committee appointed.

HOUSE OF LORDS.

Thursday, February 22.

CORN LAWS.] Earl *Bathurst* rose, and desired, that the order for summoning their lordships on Monday, which had been made on the motion of the earl of Liverpool, should be read. His lordship then said, that, although it was necessary, from the nature of the measure which would be proposed, that the proceedings relative to the Corn-laws should begin in another place, yet his noble friend had given notice, in consideration of the great importance of the question, and what he considered due to his own high station, that he should take an early opportunity of explaining in detail, the nature of the resolutions which were to be submitted to the other House; and he had fixed Monday for that purpose. His noble friend had hoped that he might be able, by his explanations, to arrest that conflict be-

tween the great interests of the state which had been most unjustifiably augmented; and, undoubtedly, there was no man whose character and disposition rendered him better able to interfere with effect than his noble friend. Unfortunately, he was now prevented from doing as he had proposed by his sudden illness, which made it impossible for him to give their lordships the explanations he had intended. He would, therefore, move that the order for their lordships to be summoned on Monday be discharged. Before he sat down, he thought it proper to state, that certain resolutions on the subject of the Corn-laws would be moved in the other House on Monday, which would make the substance of the measures to be proposed known to their lordships, and give them an opportunity of judging whether any further inquiry was necessary. He felt it his duty, however, to add, that if any of their lordships should make a motion for a general inquiry, to such an inquiry there were so many real objections, and it would open such a wide field for delay, that he should be obliged to oppose it. To a limited inquiry, similar objections could not be made; and such an inquiry would, probably, involve two different questions. The first was, into the rate at which the home-grower could bring his produce to market; and the second into the rate at which the importer could bring foreign corn into our markets. If any inquiry were to be made as to the first question, their lordships would be doing what had already been done to a great extent. Parliamentary committees had carefully inquired into this subject; and, after all that had been done, any of their lordships acquainted with the subject would form as correct an opinion of the sum at which the home-grower could bring his corn to market, as any of the witnesses who would be examined. As to the second part of the inquiry, his majesty's government had thought that the information was deficient, and they had sent a gentleman abroad to collect information. The report made by that gentleman was before the House, and if any of their lordships should think fit to propose further inquiries into this part of the subject, he should be ready to agree to any reasonable proposition.

The Earl of *Lauderdale* did not rise to make any objection to the course just proposed by the noble earl. He could not, however, help expressing his sincere regret on account of the illness of the noble earl whose motion it was proposed to discharge. As a public man, he was looked up to by the people of England, and was well qualified to be the mediator between those conflicting interests to which the noble earl had just alluded; for no man's character stood higher. As a peer, there never was a fairer debater than the noble earl, whose absence their lordships all deplored. But he hoped and believed that the friends of the noble earl would not be deprived of the pleasure of his society, whatever might be the case with that House. With regard to bringing forward the question of the Corn-laws at any future period, whether he should think proper to submit any resolutions to the House, or whether he should think proper to propose such an inquiry as that mentioned by the noble earl, in whatever manner he might trouble their lordships, sufficient time must be taken for consideration; for the question was of too much importance to be speedily decided.

Lord *King* observed, that the noble earl opposite had been pleased to allude to the conflict of interests which he said had been most unjustifiably augmented; but, *if* it had been augmented, it had been done by the most unjustifiable delays to which this question had been subjected. It was to be brought forward one session; it was then postponed to the next. It was to come on this year; it was then put off to another, and then came the dissolution of parliament. After what had been stated by the noble earl, he looked on the question with despondency, and almost despair, particularly as they were deprived of the assistance of that noble lord, whom he regarded as the most sincere in wishing to get rid of the Corn-laws. He had hoped, that before this time their lordships would have seen the necessity of agreeing to such a measure as would content the people. He was afraid that the plan would only be an alteration, and scarcely an improvement. He had now to present a petition from Blackburn. It came from a place at which the people were suffering the deepest distress. Their sufferings were, indeed, so great, that they were distinguished in the midst of general distress. He should not be dealing fairly by their lordships if he did not state, that the petition contained many hard things against parliament, and particularly against that

House. His lordship moved, that the petition be read. After it had been read,

Earl *Stanhope* said, that, although he was never disposed unnecessarily to reject the petitions of the people, and wished to open the door of parliament to them as widely as possible, yet he held it to be inconsistent with the duty which their lordships owed to themselves, to receive any petitions which, like the one then offered to their lordships, was couched in the most offensive language, and contained the most false statements. The Petitioners said, "that the legislature had, for their own aggrandisement, ruined and degraded the working classes." He knew not that the legislature had ever done so; but he would say, that if they were to adopt any measure which went to alter the Corn-laws, without a full inquiry, not into a part of the question, but into the whole of it—any measure which went to lessen the supply of food—then he would say that their lordships were doing what might ruin not only the working classes, but all classes of the empire. He put it to their lordships, whether they would receive the petition, and allow themselves to be insulted.

Lord *King* was indifferent whether their lordships received the petition or not. It had been read; but he had told their lordships before it was read, that it came from one of the most suffering parts of this deeply-suffering country; and it was for their lordships to decide, whether they would or not make some allowance for the hasty expressions of people in such a state.

Earl *Stanhope* admitted the distress of the petitioners, but contended, that it did not arise from measures adopted by parliament. Their lordships could not give these people higher wages, nor find them additional employment. He must, once for all, enter his protest against the opinion expressed in that and other petitions, that the Corn-laws had anything to do with low wages. The assertions of the petitioners were contradicted by facts. Not longer ago than last session, a measure was adopted, having for its object to lower the price of corn.

The Earl of *Limerick* deprecated the inflammatory language which had been frequently used on this subject, which had, he thought, unjustifiably augmented the conflict between the opposite interests of the country. He thought that the noble baron, by having had the petition read, and informed their lordships, that it contained certain expressions against themselves, identified himself with the petition.

The petition was rejected.

Lord *King* then presented, what he called, a quiet, meek, humble, petition, not containing one word which could offend their lordships. It was from the Incorporated Trades of Saint Andrews.* In presenting it, he wished to tell the noble lord who spoke last, that he meant to use the same language he always had used, until their lordships did what was right and just.

The Marquis of *Lansdown* presented a petition from the town of Liverpool. He thought it due to the petitioners, as well as to their lordships, to have the petition read. He begged leave, at the same time, to express his satisfaction at learning, by what fell from the noble Secretary of State, that the great misfortune which had befallen his noble friend at the head of the government — a misfortune which deeply affected the public, and for which no man felt more than himself—would not occasion the postponement of the great public question beyond Monday next. He thought it most important that the question should be decided as soon as possible; because, while it was unsettled, no contracts could be entered into between landlords and tenants.

Lord *Redesdale* said, that a great mistake pervaded all the reasoning of this and of most of the petitions on this subject. The petitioners all seemed to think that the manufacture of other commodities and of corn were precisely the same; whereas they depended on very different principles. The manufacture of other commodities depended altogether on man. The growth of corn depended on the seasons. In one season there was an abundant crop, in another a scarcity; while the expense of cultivation was the same in both years. It was impossible that the corn could be sold for the same price in both years. This was a decree of Heaven, and could not be altered. Corn could not be sold at the same price in a number of successive years; if the prayers of the petitioners were complied with, and their complaints redressed, it would desolate the country. The Corn-laws of the reign of Charles 2nd were founded on the peculiar principle which distinguished the produc-

tions of the agriculturist. Another mistake committed by the petitioners was, in supposing that the cultivation of inferior soils was injurious to the country; which was not the case. If they remained uncultivated, not one half of our present population could be subsisted. The petitioners also forgot, that by our present modes of cultivation, corn and cattle went together. They supposed that, if we did not grow so much corn, we should have more cattle; but this was founded in a mistaken notion of our agriculture. By our present modes of cultivation, we raised five or six times as much corn as we did three or four centuries ago. It was supposed, too, that if our inferior lands were not cultivated, they would become good grass lands; but, if they were so, it was only in consequence of their having been cultivated. By inclosing lands and cultivating them, they were made good grass lands; and, in consequence of our improved modes of cultivation, and the increased capital invested in agriculture, we now grew three times as much food as we did at the time of the restoration of king Charles 2nd, and had probably three times as many people. Corn, also, was now cheaper than it was at that time—at least in comparison with the commodities exchanged for it; and this, he contended, was also the consequence of our improved cultivation. To illustrate the difference between the manufacture of corn and other commodities not subject to the variations of the seasons, he would refer to our cotton manufacture. It was said to amount to the annual value of thirty millions sterling. Let their lordships suppose, that just as it was ready for market, it was invaded by an army of moths, as the farmers produce sometimes was by an army of caterpillars —destroying one-half of the cotton; and that then the cotton manufacturer was required to sell his goods for fifteen millions: supposing the cost of producing them twenty-four millions, instead of gaining six millions, he would lose nine. If the farmer were always to sell his produce at the same price, he would be ruined, and the country would be ruined also; for, if the agriculturists were ruined, what would become of the rest of the people? Our old Corn-laws were founded on a correct view of the principles of political economy —not, however, of modern political economy. He did not allude to Dr. Adam Smith, who knew nothing of that benevolent wish to benefit the whole human race which distinguished our modern economists. He did not lose sight of the different interests of different nations. As long as the human race existed, nations would rise up against nations, and there would be strife on the earth. There never could be that great republic of mankind which these writers talked of. It was incumbent on their lordships, therefore, to provide for the cultivation of their own lands, and not look for a supply of food from other countries. The question of the Corn-laws was one which could not be decided by theory. The decision of their lordships must be the result of long and patient inquiries, embracing every part of this complicated question. He could not, therefore, agree with the noble Secretary of State in his views, as to an inquiry into one single and minor topic. He hoped their lordships would not consider the question in one point of view only, and with reference to one interest, but would include in their inquiries all the points of view possible, and all the interests of the country; above all, he hoped they would never lose sight of that great interest which supplied the people with food. There was one part of the petition which their lordships had just rejected, which aimed directly at the existence of the British constitution. What was it that had preserved the constitution of this country so long? What! but that it was founded on the property of the country. No government could exist which was not founded on property; and he would have their lordships take care how they adopted any measure which reduced the landed interest still lower. If this interest were further beat down than it was at present, it would be reduced to nothing, and the constitution would be destroyed. He hoped, before any measure was adopted by their lordships, that they would go into a much more extensive inquiry than the one recommended by the noble Secretary of State.

Ordered to lie on the table.

HOUSE OF COMMONS.

Thursday, February 22.

Corn Laws — Equalization of Contracts.] Mr. *J. Maxwell* presented a petition from the productive classes of Renfrew, praying for Reform, a free trade in Corn, and an Equalization of Contracts.

The genius and spirit of the constitution, the hon. member said, seemed to justify the extension of suffrage to those who paid taxes; and the result of such extension would produce greater economy in government. A free trade in corn would partly indemnify the artisan and labourer for the evils induced by the rivalry of mechanical labour, without disturbing the general law for agricultural protection. A revision of contracts would preserve the debtor from being defrauded by his creditor under false pretences, avert the risk of national bankruptcy, and give the sanction of public opinion, and its security, to the creditor of the state. A contrary course contributed to discontent, increase of poor-rates, and unjust revolutions in property; and when monied, as well as commercial, manufacturing, and agricultural, income should be reduced 30 per cent—as the currency which represented, as well as measured, all income, had already been by the return to cash payments; the levying taxes to pay the interest of the debt, and to defray the expenses of the state, might become impracticable.

Mr. *E. Davenport* took occasion to complain of the conduct of Ministers, with respect to the question of the currency. He had already given a vague notice on the subject; and he believed that, in consequence of this threat, ministers had been induced to put off the consideration of the Corn question from the day for which they had originally given notice. He would now take the opportunity of saying, that he would redeem the pledge which he had given, and take a speedy opportunity of formally bringing the subject under the consideration of the House.

The *Chancellor of the Exchequer* said, that if the hon. member had not concluded by giving this general notice, he should scarcely have been able to comprehend exactly what he was at. But, if he supposed that government had been induced to postpone the Corn question on account of any thing he might have said in that House, or what any one might have said any where else, he could only undertake to give to such an assertion a peremptory denial.

Mr. *Maberly* complained of the manner in which ministers had acted with respect to the currency question. They first tampered with the currency of England without inquiry. Without inquiry they created a paper monopoly. Then, as to Scotland, they inquired into the currency of that country, and the result was, that they left it as it was. Then again, they neither inquired into, nor touched at all upon, the currency of Ireland. This was the sort of interference—this the description of policy —which they called legislation!

Lord *Folkestone* charged ministers with supineness in having so long neglected the vital question of the currency. Their conduct gave rise to the inference, that they had altered their opinions upon the subject; for they had failed to carry into effect the principles which they set out with avowing. There was a tampering already going on with the currency; and, under such circumstances, the question could never be said to be settled.

Ordered to lie on the table.

CRIMINAL LAWS—BILLS FOR THE CONSOLIDATION OF.] Mr. Secretary *Peel* rose to bring forward his promised motion. He had now, he said, agreeably to that motion, to apply to the House for leave to bring in four bills, having for their object the simplification and consolidation of the statutes relating to the Criminal Laws. The first of those bills was intended to consolidate and amend the laws relating to theft, and the various offences connected therewith. The second was to amend the law relating to another class of offence against the subject, namely, a wilful and malicious injury of property. The third bill for which he should move, would be to consolidate and amend the laws relating to remedies against the hundred. And the fourth bill which he should submit to the notice of the House, would have the effect of repealing such statutes as would be superseded by the three first bills, in order not to encumber the Statute-book, by the introduction of separate acts of parliament for the attainment of that object. By this means, the three bills which he had already named would not be impeded in their operation, by clauses and enactments contrary to their spirit. He had entered last session so fully into the policy and necessity of amending the criminal statutes, that he was not sure whether it was at all necessary to enforce the reasoning which he then used, or to trouble the House with a repetition of his views, notwithstanding some of the members whom he had now the honour to address were not in parlia-

ment on that occasion. Indeed, it required no very powerful reasoning to show the necessity and policy of consolidating the criminal laws of this country, and of simplifying, as much as possible, those statutes relating to crime and misdemeanour, which had hitherto created so much error and confusion in our courts of justice. Such a course as that of revising and consolidating confused and unintelligible statutes appeared so consistent with reason and common sense, that he scarcely thought it necessary to adduce any arguments in its favour, where all whom he had the honour to address must agree in the necessity of the measure. He was therefore quite satisfied that the House would sanction the part which he had taken, and confirm the support which his predecessor had given to the subject. The House, however, was not called upon to give a blind judgment: on the contrary, he wished and expected that honourable gentlemen would reserve to themselves the power of expressing an opinion on a subject of such vital importance. Although, however, he had suggested many changes, he had not, after all, proposed any very important alterations in the criminal statutes; because he was desirous of proceeding gradually in the course of improvement, and to avoid as much as possible the use of rash experiments. What he wished was, to collect all that was valuable from existing statutes, and to preserve from a mass of contradiction and confusion, various clauses and provisions introduced at different periods into our criminal laws. He was desirous of selecting all that was worthy of being preserved, in order to present to the House a useful and efficient statute, and thus to place as it were in juxta-position all the law connected with the criminal jurisprudence of the country. It was his wish to abolish every part of the criminal statutes that could not with safety be acted on, and to accommodate the laws relating to crime to the present circumstances of the country, and the improved state of society.

Feeling, therefore, that the House would agree, in principle at least, to the measures which he intended to propose, he did not think it necessary to trouble them with any further arguments, but would proceed at once to explain the present state of the law relating to theft, which was the subject of his first bill. It was the practice, in criminal courts of justice, to distinguish between grand and petty larceny, and to award different punishments for each crime. It appeared, however, that the only difference between them consisted in the amount of the property stolen; for thus the law stood on the subject. If a man was convicted of stealing an article under the value of one shilling, it was simple larceny, punishable at the option of the magistrate before whom the case was heard; but, if the property stolen exceeded one shilling in value, the crime was called grand larceny, to which a capital punishment was attached. Now, after giving to the subject his best consideration, he could not see the necessity of retaining the distinction which the law laid down in these cases. There were many inferior courts spread throughout this country, which had power to take cognizance of, and to try persons charged with, the crime of petty larceny, but who had not power to try for the crime of grand larceny. The consequence of this was, that both courts and prosecutors, feeling the great expense and inconvenience of sending persons charged with these offences to be tried by the higher tribunals, agreed to evade the law, by stating in the indictment, that the value of the article stolen was less than one shilling. These instances, it was true, were not very creditable to the parties concerned, but they furnished ample reasons for abolishing all distinctions between grand and petty larceny. He would, therefore, unite the different species of the crime of larceny under one general law; and he would fix, as the *maximum* of punishment, a sentence of transportation for seven years. It was hitherto the custom to mitigate the sentences affixed to the crime of grand larceny; but he owned he could not see the reason why, if the power existed, a criminal convicted of this crime should not be transported for stealing to the value of two shillings. There was a material difference between grand and simple larceny, when a prisoner was twice convicted. A man who repeated the crime of grand larceny, was liable to a sentence of death, without benefit of clergy. He meant to propose, that the capital punishment should be dispensed with in this instance. He would propose also to do away with a term which had long been mixed up with the criminal law of England. He meant the "benefit of clergy." It was extremely difficult to

apply the term "without benefit of clergy" to any particular crime, and to say what was a clergyable offence. It appeared to him, that the law in this particular should be simplified. Instead of saying, therefore, that the man who commits grand larceny a second time was guilty of a capital offence, without benefit of clergy, he proposed to substitute the punishment of transportation for life. This would serve to make the law more clear and intelligible; and he was sure that the House would go with him in every alteration he proposed, whereby the number of capital crimes might be lessened. Thus, the man convicted of grand larceny a second time would no longer be subject to death. In proposing this alteration he was aware, however, that it was not very material; as it rarely occurred that the penalty of death was put in force when a man was convicted of grand larceny a second time; but it was right at the same time, that the law in this particular should be clear and determinate; for it was one of the just objections brought by foreigners against the criminal laws of England, that we condemned men to death for crimes, who were never executed, and whose sentence was, in fact, never intended to be carried into effect. It would therefore be a material improvement, if in every available instance, we could erase capital punishments from the Statute-book, and provide milder punishments, and thereby avoid the mockery of condemning men to death, merely because that penalty was attached to the crime which they had committed. He proposed also to mitigate the penalty for stealing in a dwelling-house to the value of forty shillings. According to the law, as it now stood, the penalty of death was attached to that crime. A distinction, however, he conceived should be made; and there were cases in which the punishment of death might be considered harsh and unnecessary. He therefore meant to propose, that the sum of forty shillings should be raised to a higher amount; by which means the number of capital convictions for this species of crime would be considerably diminished. He was not prepared to say whether or no it might not be necessary to go further in the plan of reducing the number of capital convictions. Much had lately been done, and much remained to do; but he thought he might claim some credit to himself for having done more towards the great and important object of improving and consolidating the criminal statutes of this country, than any other individual who had gone before him. He never was an advocate for the infliction of capital punishments, and he thought it would be found, on comparing the executions for the last five years, in which he had presided at the home department, that they had not increased in number, as compared with those that had taken place in former years. Willing as he felt, however, to reduce the amount of capital convictions, he advised the House not to be led away too far by mistaken feelings. If parliament were to proceed too rapidly to overthrow the existing enactments, a strong prejudice might arise in the country against measures that were intended for the public good; and thus the great object of justice and humanity might be defeated.

With respect to the law relative to malicious injuries to property, which his second bill was intended to embrace, he conceived that it might be beneficially altered, and confined within proper limits. He conceived the punishment attached to the crime of cutting down hop-fences, stakes, hedges, &c., was neither clearly nor properly defined; and therefore he proposed to abrogate the law altogether, and try the effects of a milder punishment. Without entering more fully into the particular clauses of each bill, of which the committee, whose appointment he anticipated, could best judge; he would now only refer to the general principles upon which he came forward to claim the countenance and support of the House. Notwithstanding the very able assistance he had had, he felt considerable difficulty in drawing up the bills which he hoped to be allowed to introduce; owing to the number of abstruse and unintelligible phrases which he found it necessary to use, in compliance with the usage of the law in this particular. The endless repetition of words; the confusion of the singular and plural number; the frequent use of the words "party or parties," "defendant or defendants," "corporations," or "persons," had always, he confessed, puzzled him beyond measure, whenever he had occasion to refer to an act of parliament. He had, therefore, in the bills which he had framed, avoided as much as possible the confusion arising from the frequent introduction of words and phrases;

and at the commencement of each bill, he had defined the precise punishment for each particular crime, adding to the end of the bill, in order to remove any doubt occasioned by the ambiguity of the language, that the word "person," when mentioned in the body of the bill, should be taken to mean the party accused, whether man, woman, or child, and that the same should hold good, with regard to owner, defendant, or defendants, or by whatever term the accused party might be designated.

Whilst he was upon the subject of the criminal laws, he wished to say a few words on a subject which was intimately connected with the question. It would be in the recollection of the House, that some years ago, a parliamentary commission was appointed, to inquire into the state of the several courts of law, and into the fees and emoluments of the judges. All those venerable and respected individuals submitted cheerfully to the investigation; yet, in the minor and subordinate courts of justice no inquiry had been made respecting the nature and amount of fees and other emoluments of the persons officiating in them. He had heard, and he believed, that great abuses existed in those courts. For instance, the other day, a demand was made for heavy fees, from persons who had actually been acquitted of the crimes with which they had been charged. The House must see the manifest impropriety of tolerating such a monstrous anomaly. So that it would have been mercy to the accused if the judge had found him guilty, because in that case his punishment would have been less by the amount of fees which, as an acquitted man, he was called upon to pay. A man acquitted by a jury of his country, should be free of any such odious impost, and any attempt to punish him, either in his person or his pocket, after that acquittal, was a direct libel on our boasted trial by jury. He was, therefore, strongly inclined to recommend an inquiry into the fees of officers attached to the minor courts of law. The office of sub-sheriff he also considered ought to be inquired into. It was an office with which he was himself very little acquainted. He only knew that, in some counties, the fees amounted to 600*l.* or 700*l.* a year, and that the situations were eagerly sought for, while the office of sheriff was considered so much the reverse of desirable, that applications were constantly made by gentlemen appointed to be relieved from serving. He would, therefore, should he see occasion, submit a proposition to the House, to inquire into the fees and emoluments attached to the office of sub-sheriff; an appointment with regard to which he should wish to be enlightened.

The office of coroner was also one, in which he conceived improvement might be made. The coroners of England had, in a body, petitioned parliament, praying for an increase of salary, and representing how very inadequately they were paid. He found, however, that although the office of coroner was burthened with so many wants, it was a situation which, somehow or other, gave rise to very considerable competition whenever it became vacant. He, indeed, had heard of instances, in which contests for the situation of coroner had been as expensively carried on as in contested elections for the return of members of parliament. He should be happy to hear, therefore, how it was that coroners were so inadequately paid, and that the office was nevertheless so greedily sought after. The offices of clerk of the peace and clerk of the assize ought also to be investigated, with a view to ascertain the nature and amount of fees attached to such appointment. Without throwing out any insinuation against individuals holding those offices, he wished to know by what authority those fees were demanded. Another office requiring investigation was that of clerk to magistrates. It would also be desirable to ascertain the amount of fees demanded and taken by such persons, and the authority under which they were demanded. Without pointing out particular cases, there were instances enough of the misconduct of magistrates' clerks; and that honourable and independent body, the magistrates of the country, should be careful who they appointed to fill those situations. These points, though not immediately connected with the bills which he meant to move for, were, nevertheless, connected with the due administration of justice, and were therefore points to which the attention of the House should be particularly called.

There might be some individuals who might think that the alterations which he was now suggesting, were founded, after all, more upon theoretical reasoning than practical experience. He had not as yet found, however, that the propositions which he had already submitted to the House,

with regard to the improvement of the criminal law had failed of their effect. In proof of which he might mention the bill for the better regulation of juries, which had lately come into operation. He knew it was objected to the measures which he should now have the honour to propose, that if they passed into law it would soon be necessary to come down to parliament with fresh laws to amend the new ones. He had not heard, however, of any such result from the act for the better administration of justice which he introduced last session. He was not aware that the act giving power to magistrates to accept of bail in cases of doubtful felony had not been attended by good effects; on the contrary, he had heard it well spoken of, and he was, therefore, fortified by past experience in anticipating great practical good from the measures which he was about to propose. He certainly had heard of objections to another of his bills, which, if founded in truth or justice, would lead him to disparage his own exertions. The bill which he alluded to had passed last session, and its object was to facilitate the course of justice, by providing that poor persons, who were prosecutors in cases of misdemeanor, should be enabled to seek justice at the public expense. He was not prepared to contend, that the county rate should bear the whole of this burthen, but he thought it but just and proper that prosecutors who had not the means of obtaining justice themselves, should be enabled to do so at the expense of the county in which they lived. It was said that, in the county of Surrey, an enormous expense had been incurred, in consequence of the endeavours which had been used by the police to discover the perpetrators of an atrocious murder, which was still involved in mystery. The whole of the expense attending that occurrence was said to be the effect of his bill. But his bill had nothing whatever to do with the expense incurred on that occasion; and although he had paid money, on account of the transaction, from the Home-office, yet not a farthing was drawn from the county in consequence of the existence of that bill. To quote another instance of the spirit with which that bill had been treated by some: It was said, that the expense incurred by bringing up witnesses for prosecutions in the last sessions at Westminster, the Old Bailey, and Clerkenwell, were enormous, and considerably disproportioned, when compared with the charges of former years. He found the following charge in print:—"Last year the expense incurred for witnesses to attend Westminster, the Old Bailey, and Clerkenwell, sessions amounted to the sum of 2,343*l*., whereas, in the former year, the expense for witnesses was only 1,297*l*., the expense this year being nearly double: so much for Mr. Peel's bill." This statement, however, was as untrue as the inference attempted to be drawn from it was unfair. The number of felonies tried at those sessions this year was five hundred and twenty one; and the year before, the number tried was four hundred and six, so that there was only an increase of one hundred and forty five cases; and those were very aggravated cases, in which the prosecutors were of the lowest order, and were consequently obliged to be supported during the time occupied by the trials, in which they were called as witnesses; and after all, the sum which the court admitted for their expenses amounted to no more than 145*l*. So far was the expense from being doubled, that it was only the trifling sum which he had just mentioned.

He hoped that the statement into which he had just entered would induce gentlemen to pause before they came to the conclusion, that the alterations which he had made in the criminal laws had tended to increase the expense of administering them. There were some gentlemen, he believed, of opinion, that the law ought to remain as it now was, on account of the expense necessarily incurred in altering it; whilst there were others, who entirely scouted the question of expense, and thought that in his alterations of the law, he had by no means gone far enough. To the latter he would say, that he was not inclined to proceed hastily in experiments on legislation; and to the former, to those he meant who complained of the expense, he would observe, that, by adopting the course of devolving upon single individuals the consideration of particular laws, instead of devolving upon a commission of several individuals the consideration of the whole system of our criminal law, the whole charge to which he had subjected the country by his jury bill, and the other bills which he had introduced in the five years during which he had acted as Secretary of State, did not amount to more than 1,200*l*. He declared upon his honour, that he doubted whether so much

progress would have been made in the task of consolidating the laws, or whether the labour already performed would have been performed half so well, by a commission consisting of individuals with salaries of 1,500*l.* a year, as it had been performed by the individuals who had assisted him for a much slighter remuneration. One advantage attending the quiet and steady course which he had pursued was this—that he had been able to procure the assistance of the judges in the revision of the bills which he had submitted to parliament. They had given the most willing attention to the various new clauses which had been introduced into those bills by the learned gentleman who had prepared them: and he had received from them all the most valuable assistance, because he had not overburthened them with too many applications at once. Some gentlemen might think it an easy task to form a criminal code; but he would appeal to the noble lord opposite (Althorp), who had undertaken to consolidate the law upon one subject only, whether the difficulties in detail of such a measure were not infinitely greater than would appear at first sight to any person who was unacquainted with them.

He must also say, that he had another motive for proceeding gradually and slowly in this matter. It was necessary to carry along with him all the instruments engaged in the administration of justice; for if too many changes were suddenly made in the laws of daily and ordinary occurrence, and if what was declared law was not executed well, no advantage would result to the country. He was aware, that a more splendid fame might be acquired by attaching his name to the introduction of a new code of law, as had been done elsewhere; but greater advantage to the country would be gained by convincing the people, who were justly attached to their ancient institutions, that the circumstances which had given rise to them, were either altered or gone by; that they could be amended and improved; and that the rust and impurity which they had acquired, by the lapse of time and carelessness of legislation, could be removed without injuring their substance or impairing their strength. The House would confer greater benefits on the people by reconciling them to the improvements which it sanctioned, and by showing them that those improvements could be made without any practical inconvenience, than by attempting too much at once in the shape of innovation, and by leading them away by splendid illusions of general improvement. He would be content, if by his humble efforts, a gradual reform could be effected in our criminal law, without leading to any great practical inconvenience: and he trusted that, so far from dissatisfaction being excited by the attempts of the House to accommodate ancient usages to the necessities of modern times, the attachment of the people to those usages would be increased, by their being convinced that the foundations of those usages were only widened to receive additional strength, and that it was wiser to amend them where they were defective, than to maintain them steadily because they were antiquated imperfections. He would now move, "That leave be given to bring in a bill for consolidating and amending the laws in England, relative to Larceny, Burglary, and Robbery."

Lord *Althorp* returned thanks to the right hon. Secretary, for the great progress which he had already made in amending the criminal code of the country. He agreed with the right hon. gentleman, that it was necessary to proceed cautiously in the task which he had undertaken, inasmuch as nothing was more dangerous than inconsiderate legislation upon matters of a criminal nature. He admitted, that the increasing amount of county rates for some years past was a subject worthy the serious consideration of every gentleman who stood in the situation which he filled as a county member. The reason why the expenses of prosecutions at the quarter sessions was less than those at the assizes was, because the first underwent the revision of the magistrates who had to pay them. He trusted that the right hon. gentleman would consider whether some measure might not be devised to assimilate the scale of expenses at the assizes to that used at the quarter sessions. He was fully convinced that the laws relative to malicious injury to property required amendment; inasmuch as they had filled our gaols with criminals for comparatively trifling and insignificant offences. He also thought that the laws relative to poaching had been recently applied to many cases which were not intended to be affected by them. In conclusion, he intreated the right hon. gentleman to accept his tribute of applause for the benefit which he

had conferred upon the country, by bringing these questions fairly under the consideration of parliament.

Sir *George Chetwynd* said, that having for many years been in the habit of superintending the administration of the laws as a magistrate, he could but express his gratitude to the right hon. gentleman, not only for the improvements which he had already introduced, but for those which he was about to introduce into our criminal jurisprudence.

Mr. *Hobhouse* said, that the present was one of those occasions in which it was the duty of all those who felt strongly, to attempt to give utterance to the feelings under which they laboured. In all the admirable address which the House had just heard from the lips of the right hon. Secretary there was only one part to which he was inclined to make any exception, and that was the part in which the right hon. gentleman had told them, that it was possible that by pursuing a different course from that which he had followed, a more splendid fame might have been acquired. Upon that point alone, he begged leave to express his dissent. The right hon. gentleman was mistaken. A more slpendid fame than that which he had already earned could not be acquired, and the right hon. gentleman must have seen the earnest of that fame, which he would enjoy to the latest posterity, in the applauses which he had already received from men of all parties in the country—applauses which stamped on his exertions a reputation, which no future act of the right hon. gentleman would be able to destroy [cheers]. The right hon. gentleman had to deal with a subject which many great and good men, who had gone before him, had attempted, but in vain, to remedy. Those who preceded the right hon. gentleman had, however, only the will. Fortunately for himself, and fortunately for his country, the right hon. gentleman had likewise the power; and, with the power and the will combined, it was impossible that he should not, if he lived, see the best results emanate out of his exertions. If one of the persons to whom he alluded—if one of those great minds, who had formed plans for the good of mankind—if the man who once represented his constituents in that House, and held the seat which he now so unworthily held—if sir Samuel Romilly, who had so often regretted the state of the criminal law, and breathed so many ardent prayers for its alteration and amendment—if he could now look upon what had been done, and see the promise of still greater and more important reformations likely to be fulfilled, he would, indeed, exclaim, that he had not lived in vain. If he saw seated in the chair of legal reformation, which it had been his ambition to fill, a gentleman so worthy to occupy his place, he would willingly resign into his hand, all the great plans he had formed for the benefit of mankind—and the reformation of the criminal code. That there must be jarring opinions upon changes of such magnitude, every man would allow; but when the test had been applied—when it was seen that what had been done was done successfully, and that the means were sufficient to the end—when it was proved that the alterations were as wisely conceived, as the mode of carrying them into effect was practically beneficial, he could not but implore the right hon. gentleman not to pause in his career, but, by pursuing the same wise, temperate, and vigilant, course, consummate the glorious work which he had undertaken. It had often been his unfortunate duty to convey to the House the sentiments of his constituents, when they were not in approval of the conduct pursued by the right hon. gentleman and his colleagues: he, therefore, thought it a happiness to have to convey to the right hon. gentleman the sentiments of the same body, when they were loudly expressed in his favour. What he was going to mention was, perhaps, hardly worth the right hon. gentleman's notice, still he trusted that the right hon. gentleman would not despise it. It was a custom in the city which he had the honour to represent, for the constituent body to have an anniversary meeting with their representatives; in which the constituent body communicated to those representatives the sentiments on which they thought that their representatives ought to act, and which were held up to them as worthy of admiration. He hoped the right hon. gentleman would not think that he was obtruding an improper fact upon his attention, when he told him that, upon every such recent anniversary, his name had been held up as among those which were considered to be ranked with the benefactors of their country. He saw the chancellor of the Exchequer smile: he could not help it—there were certain prejudices to be overcome. On many ques-

tions the right hon. Secretary had pursued a course which was not very congenial to the feelings of the electors of Westminster; but, on this subject, they only saw in him a reformer of great abuses, and a man who was doing all he could to benefit his country. He owed the House an apology for introducing this matter into the discussion; but he trusted that, insignificant as it might appear to some members, it would encourage the right hon. Secretary not to delay in his praise-worthy career. He anticipated for the right hon. gentleman a more splendid fame than the modesty of the right hon. gentleman would permit him to anticipate for himself. He had laid the basis for being a great man, by showing himself to be a good one [Cheers].

Mr. *Sykes* objected to the power given by certain bills to convict offenders by summary process before one magistrate. As a magistrate he did not like the responsibility thus thrown upon him; and, as a man, he would prefer that the conviction should take place before two magistrates. In all attempts to improve the criminal justice of the country, attention should be paid to the county rates, which were now increasing, in all parts of the country, to an alarming extent. Indeed, in one place with which he was acquainted, the county rates were greater in amount than the poor-rates were thirty years ago. In conclusion, he applauded the right hon. Secretary for proceeding, step by step, in his attempts to amend the criminal jurisprudence of his country.

Mr. *Cripps* said, that it was unnecessary for him to offer more than one word on the excellence of the measures which had been proposed by the right hon. Secretary. The improvements which he had already made in our criminal law were above all praise; as were also those which he had now suggested. In reply to the observations of the hon. member for Hull, on the impropriety of giving one magistrate a summary power of conviction, he observed, that it was necessary that one magistrate should have that power, as there were many parts of the country in which it would be extremely difficult, if not impossible, to get two magistrates. The increase in the county rates was occasioned by two causes very dissimilar—the increase of crime, of road-making and bridge-making throughout the country. He was extremely glad that the subject had attracted the notice of the right hon. Secretary.

Mr. *Batley* returned his thanks to the right hon. gentleman for the admirable speech which he had that evening delivered. He was quite convinced that the comprehensive plans disclosed in that speech would have the effect of diminishing the amount of capital punishment. He would not trouble the House further than by saying, that the right hon. gentleman had achieved for himself a permanent fame, and that his exertions were calculated to produce the most salutary results on the morals of society.

Mr. Secretary *Peel* said, he should be guilty of great injustice to the House, if he did not briefly express the gratitude which he felt for the general support which his proposed measures had received. It was most gratifying to him to observe a complete oblivion of all party and personal feeling, when the object before the House was an endeavour to effect a great public benefit. Such a support was the most honourable testimony that could be borne to the utility of his efforts, and the uprightness of his intentions. He would not, on the present occasion, make any observations on the subject which had been alluded to by an hon. gentleman opposite; he meant the melancholy increase of crime. He had, however, caused comparative tables to be drawn up, and he was sorry to observe, but he owed it to justice to declare, that the comparison of the present with former periods was not satisfactory. Perhaps, however, the overgrown amount of the population might be adduced as one of the reasons which produced that unfavourable result. That, however, this subject had not escaped his attention, and that he meant to endeavour to apply some remedy for the evil, must be obvious to the hon. gentleman, as he had given notice of a motion for an inquiry into the state of the police within ten miles of the metropolis. When that motion came forward, the whole question could be discussed.

Leave was given to bring in the several bills.

HOUSE OF LORDS.

Friday, February 23.

CATHOLIC EMANCIPATION.] Viscount *Lorton* rose to present a petition from the Protestant Inhabitants of the county of Sligo, against granting any further concessions to the Catholics; and in present-

ing it, he begged to say a few words on the subject matter of the Petition. He wished to see an emancipation in Ireland—he was an advocate for emancipation—but it was the emancipation of the Protestants, not the emancipation of those who urged their claims in a manner hostile to the constitution of the country. He could assure their lordships, that the Protestants were persecuted and proscribed in Ireland, and would be forced out of the country or annihilated, if they were not protected. There was a Roman Catholic parliament sitting at Dublin, which had been more outrageous since an act of parliament had been passed to put it down. The Catholic Association continued its meetings, and was more mischievous than ever. At first, the higher orders stood aloof; but after the Catholic clergy gave it their countenance, it was joined by all ranks, from the highest to the lowest, and all the members were as zealous in the cause as the first furious demagogues. Such was the power of the Pope in Ireland over the minds of those who were members of his church, that not only were the most bitter denunciations uttered against every thing Protestant, against the established Church, and institutions of the country, but even the Protestant gentry were held forth to the infuriated peasants as fit subjects for assassination. Their lordships must be well acquainted with the Philippics delivered by O'Connell and Sheil, the latter of whom had, in the most dastardly manner, attacked his royal highness, the late commander-in-chief, at the very moment that he was on his death-bed. The speeches of these and other demagogues had excited the peasants to such a pitch of fury, that a rebellion was apprehended; and, should it break out, he hoped that the most prompt measures would be taken to prevent the Catholic leaders from leaving Ireland. They ought not to be suffered to escape with impunity, after they had set the country in a blaze. Sheil had stated, in one of his speeches, that Ireland might easily be invaded by means of steam: but he would contend that this new discovery afforded the best protection against sudden surprise on the part of a foreign enemy, and that one British company could furnish more steam-vessels than were to be found in all Europe besides. The Popish demagogues were playing the game of brag, and if they were resolutely met, they would, like all other bullies, very soon retire into their skulking places. The priests were so exasperated by the progress which the reformation was making in Ireland, that their rage knew no bounds. His lordship here referred to an extract of a speech alleged to have been delivered by a Catholic priest, in consequence of a bible meeting. The extract concluded with these words—"Blood has been shed in France, in Spain, and in Italy, and why shall not Ireland assert her rights?" Here was a sample of the spirit by which the Irish priesthood were influenced. This language was uttered on the 18th of June, in the chapel of Roscommon, immediately on the eve of the election. He maintained, that it would be of the greatest benefit, both to Protestants and Catholics, to free them from the furious bigotry of men who would, if they had the power, crush the bodies of the former, upon the same principle that they now kept the minds of the latter in gross ignorance. Besides the petition which he should now present, he had also petitions to lay before their lordships, from the bishops and clergy of the dioceses of Elphin, Kilalla, and Clogher, and two petitions from the county of Monaghan. Before he sat down, he would read a passage from a letter addressed to a noble friend of his by that notable Jesuit, who wrote under the signature of I. K. L. (Dr. Doyle). The following was the language of a man whose influence was paramount with the Catholics:—"I think the church establishment must fall sooner or later; its merits in Ireland are too well known—it has been brought to the light, and its works being such as do not bear the light, it will, it must, suffer loss as soon as an impartial judgment can be passed upon it. Clamour, bigotry, enthusiasm, and a spirit of selfishness, constitute its present chief support. It derives no aid from reason, justice, or public utility. Its old connection with the Crown, and that aversion to experimental innovation, which characterizes every wise government, unite to defend it; but, if the passions of the people were calmed, some man with the spirit and power of Burke, who arranged that chaos, 'the Civil List,' and purified, without injuring them, the revenues and prerogatives of the Crown itself—some such man would arise and free the nation from the reproach of the Irish temporal establishment; he would relieve religion from an incubus, and the land of the country, with its proprietors and cultivators, from an intolerable

pressure. The concession of the Catholic claims would hasten the desirable result, not by any revolutionary movement, as your lordship seems to apprehend, but by removing an immense barrier, which the agitation of those claims now opposes to the progress of reason and justice, and by uniting all classes of Irishmen in labouring to renovate their country, and to restore her, divided and almost lifeless as she is, to a state of health and vigour. We, in Ireland, have been accustomed to view it from our infancy; and, when men gaze for a considerable time at the most hideous monster, they can view it with diminished horror; but a man of reflection, living in Ireland, and coolly observing the workings of the church establishment, would seek for some likeness to it only amongst the priests of Juggernaut, who sacrifice the poor naked human victims to their impure and detestable idols." Such was the production from the pen of I. K. L. of whom their lordships must have heard so much. He had one more remark to offer, which was, that there now existed in Ireland a secret inquisition, which worked its way into every family, and he called upon their lordships to adopt the most prompt measures to counteract it.

Lord *King* said, that the noble and learned lord on the woolsack, who, at the commencement of the session, had recommended that long speeches should not be made on presenting petitions, must make an exception in favour of the noble viscount opposite, whose sentiments on this question were so congenial with his own. The noble viscount told their lordships, that the Protestants of Ireland were an oppressed and proscribed people. The best answer which could be given to the speech of the noble lord, was to be found in a petition which he intended to present. He would read a sentence from it, and, in doing so, was stating the case of the oppressed, not of the law-makers and powerful. The passage was this—"That your petitioners most humbly beg to state, that their unprotected situation and condition marks them out to perpetual notice and hostility; that they are the objects of the reproaches of the evil-disposed, who strive to heap wrong upon wrong, and injury upon injury, in order to render them odious in the eyes of the legislature." The complaints made against the Catholics reminded him of the fable of the wolf and the lamb. The lamb was tried and found guilty by wolf-law; and the Catholics of Ireland were like lambs under the wolf-law of the Protestants.

The *Lord Chancellor* admitted that he had, on a former occasion, when presenting a petition, taken an opportunity to express his opinion, that it was more consistent with the usage of parliament, that noble lords should not make the presenting of petitions an occasion for entering into a debate. The noble baron had not chosen to follow this advice; though he had always thrown his words back in his teeth. When the noble lord talked of wolves and lambs, it was not difficult for their lordships to decide whether the petitions he usually presented came from the wolves or the lambs. While he was on his legs, he would take that opportunity of stating, that for twenty-five years he had given the subject to which the petitions related his most serious consideration, in order to come to a right conclusion. He would not then enter into it, but reserve the full expression of his opinion for the day when the question should be debated; but he would declare, that in his conscience he thought, though he did not say that other noble lords might not conscientiously think differently, that to grant the Catholics any further concessions would be to betray the civil and religious liberties of this country.

Ordered to lie on the table.

HOUSE OF COMMONS.

Monday, February 26.

GRANT TO THE DUKE AND DUCHESS OF CLARENCE—PETITION FROM MANCHESTER AGAINST.] Mr. *Hume* said, he held in his hand a petition, which had been agreed to at a numerous meeting of the inhabitants of Manchester. The petitioners stated, that they had endured great privations and distresses, from the fall in the rate of wages, and that they had endured them with patience and forbearance; but they could not behold with indifference such a disregard of the condition of the suffering working classes as was manifested in the proposal to give the duke of Clarence an addition of 9,000*l.* a-year to his income. The petitioners begged to suggest, that if it was absolutely necessary that the duke should have a larger income than the junior branches of the royal family, in consequence of his proximity to the throne, the

best method of creating the necessary increase would be, in the present state of the country, to reduce the incomes of those junior branches, and leave his royal highness in possession of the income he enjoyed now. The petitioners also stated, that they had no prospect of any increase of wages, or of the means of existence, from the increase of commerce. Their only hope was founded upon a reduction of taxation; and they implored the House, by checking the disposition to improvident grants of all kinds, to endeavour to carry that object into effect.

Mr. *John Wood* said, he was perfectly satisfied, that, if greater time had been allowed, the table would have been crowded with petitions from all parts of the kingdom against the grant. He implored the House to recollect, that, although the people, thus placed in the extremity of distress, were quiet, they were not indifferent to a vote which seemed to be a mockery of their situation. They were not so absurd as to suppose that any relief could be given them by abstaining from that grant. They did not suppose that their sufferings could be aggravated by the giving away of a sum of 9,000*l.*; but they did think, that in the situation in which they and the country were placed, a vote to that amount was a mockery of their sufferings, which might well have been spared. At a time when an equitable adjustment was mentioned in that House, and when the country was about, as it were, to take the benefit of the Insolvent act, he thought the proposal of any additional income to the royal family exceedingly impolitic. It was, indeed, as if a debtor on the eve of a bankruptcy was to give a splendid entertainment, and to say to those who might remonstrate upon the impropriety of such extravagance, "Oh, my debts and embarrassments are so great, that the sum I am now spending cannot make a difference of one farthing in the pound to my creditors." The grant now proposed might not aggravate the sufferings of the people; but, in the eyes of the working classes, it possessed an appearance of insult and heartless indifference, which ought to be avoided.

Ordered to lie on the table.

Double Land Tax—Petition of the Earl of Shrewsbury and other Roman Catholics.] Mr. *Abercromby* said, he had a petition of some importance to present from the English Roman Catholic Land-holders. It was signed by the earl of Shrewsbury, lord Stafford, and several other distinguished persons, and prayed the attention of the House and the government to a subject well worthy of their attention. It was probable that not many members of that House were aware of the fact, that Roman Catholics had been subject, for many years, to pay a double land-tax; so that if a Protestant was called upon to pay four shillings in the pound, a Roman Catholic was required to pay eight shillings. That unequal distribution of the burthen had been first imposed in the reign of king William, and had remained unaltered down to the year 1794, when it was expressly intended, by the acts passed at that time, to relieve them. Those acts had, however, in their operation, become totally ineffectual to the purpose for which they were intended, and upon proceedings lately had in the Exchequer, the Attorney and Solicitor General, acting in strict accordance with the duty which their situation imposed upon them, had succeeded in shutting out all redress through the means of a court of law. He believed there was no one who pretended to assert that, because the Roman Catholics could not conscientiously subscribe to the belief of the Established Church, they were therefore to be called upon to pay a double proportion of the tax levied upon land. It was clear that the legislature, in the year 1794, did intend to grant the Roman Catholics a relief from the situation in which they were placed; and he therefore contended, that the intention of parliament ought to be strictly carried into effect. But, even supposing that there was a mistake upon that point—that they were wrong in the construction of the act—and that the intention of the legislature of that day was not to relieve them from the difficulty in which they were placed, then he would say, that if it appeared that any Roman Catholic, or Dissenter from the Established Church, was subject to a tax so odious, so monstrously oppressive and unjust, as that of paying a double tax on land on account of his religious opinions, parliament ought not to lose one moment in granting the redress which the petitioners now prayed. It was impossible for any one to look at the nature of the tax, and not to say, that

it was a monstrous grievance. One of the petitioners, the earl of Shrewsbury, had actually paid, since the year 1794, no less than 30,000*l.* for that additional tax alone. And was it not an injustice of the most reprehensible nature, that a nobleman, of approved loyalty and of unquestioned devotion to the interests of his country, should be mulcted in so large a sum, merely because he continued to maintain the respect for that religion, in which he, in common with his forefathers, conscientiously reposed his faith? He did not mean to suggest any course at present. He would merely move, that the petition be received and printed, hoping that the government would see the propriety of calling upon the omnipotence of parliament to put an end to a practice which exhibited the most odious injustice. He saw the Attorney-general was about to rise, and he begged, then, as he said before, to disclaim any intention of imputing to him a desire to go beyond the strict line of his duty upon the occasion to which he alluded.

The *Attorney-General* said, that the bill of 1794 was intended to allow all persons, who chose, to exonerate themselves from the land-tax, within a certain time; and those persons who had not taken advantage of that permission within that certain time were now precluded from any relief. He would admit, however, that upon general principles, the petitioners ought to be relieved; although there was an utter incapability to grant that relief to those who had availed themselves of the terms of the act of parliament.

Mr. Secretary *Peel*, although he continued to think as he always had thought, that it would be impolitic to grant any further political concessions to the Roman Catholics, yet his opinions upon that subject could not prevent his giving his hearty concurrence to any measure which would have the effect of relieving them from what there could be no question was a direct heavy burthen imposed upon their religious belief.

Ordered to lie on the table.

EMIGRATION COMMITTEE.] Mr. *Wilmot Horton* brought up a Report from the Emigration Committee; and in moving that it should lie on the table, he said he thought it right to inform the House of the circumstances under which the Committee had deemed it expedient to present it. It related solely to the fact, that the Committee had resolved, that they were not prepared to proceed on the principle of the Committee on Emigration of 1826, that private or local contributions should be raised, for the purpose of carrying into effect the object of emigration. The Committee had thought it desirable at that early period to state their opinion upon the subject, as it was one on which a strong and erroneous impression appeared to prevail, both in the House and in the country. It could scarcely be necessary for him to add, that under such circumstances he deprecated any discussion of the Report.

Ordered to be printed.

BRIBERY AT ELECTIONS.] On the motion of lord Althorp, the order of the day was read for resuming the adjourned debate on the motion made on the 13th instant—"That a Select Committee be appointed, to whom all Petitions which shall be presented to this House, after the expiration of the time allowed for presenting Petitions against the validity of the Return of any Member of this House, by any person or persons affirming that general Bribery or Corruption has been practised in any Borough, Cinque Port, or place, for the purpose of procuring the Election or Return of any Member or Members to serve in Parliament for such Borough, Cinque Port, or place, shall be referred, and that they report their opinion thereon to the House."

Lord *Althorp* said, that it now became his duty to state to the House his views on the subject. If he had addressed the House upon the day on which he originally moved this resolution, he should not have thought himself called upon to enter into any discussion to show the necessity of establishing some measure like that which he had proposed. But what had since occurred had convinced him of the expediency of detailing the grounds of his proposition. It was a notorious fact, that in many boroughs in this kingdom, there was a general practice of bribery at the election of members to serve in that House. It was a notorious fact, that in some of those boroughs, the voters received five, ten, twenty, thirty, or fifty pounds a head for their votes. It could not be denied, that the prevalence of this practice was a disgrace to the House of Commons and to the country; and he felt,

that if the House of Commons valued their own credit and honour, they would use their utmost endeavours to put it down. He knew that at present numerous laws were in existence against bribery. But, notwithstanding the heavy penalties which those laws denounced against bribery, bribery still continued; and he really believed had not been at all diminished by the laws in question. The conclusion to which he necessarily came was, that the existing laws were inefficient. From some cause or other, it appeared that they did not operate as they were intended to operate. In some few instances, however, another course had been pursued; and the offending Borough had been either thrown open to the Hundred, or the right of election had been transferred to some other place. This latter course had proved as efficient as the laws had proved inefficient. No one believed that the members for Shoreham, or Aylesbury, or Yorkshire, had given head-money to their voters. Though plenty of money might have been spent, there could be no suspicion that it had been spent in bribery. He was perfectly ready to admit, that wherever this shameful practice had been discovered, the House of Commons had shown itself ready to apply a remedy. But these discoveries had hitherto been rare and accidental. The object of his motion was to render them more frequent and certain. The Resolutions on this subject, which had been proposed in the last session of the last parliament by his noble friend (lord John Russell), had been passed by the casting vote of the right hon. gentleman in the chair of that House. At his noble friend's request, he had brought the subject under the consideration of the House at an early period of the present session. It appearing, however, to be the general wish on all sides, that he should withdraw the motion which he made on that occasion, he had done so; and had substituted the Resolution at present under discussion, as one that might be adopted with less difficulty. The principle on which he proceeded was, that a standing committee of twenty-one members should be appointed at the beginning of every session, to whom petitions complaining of bribery should be referred, and which committee should determine whether or not such a case was made out as deserved the consideration of the House. The functions of such a committee would be exactly analogous to the functions of a grand jury. The parties accused would be put to no examination in the first instance. Only the evidence of the complainants would be heard. There would be no occasion for the parties to enter into recognizances; as, if the committee should determine that the complaints were frivolous, the complainants would not be allowed their expenses. He thought that the best mode of appointing such a committee would be the usual mode of appointing standing committees. He had no fear of partiality in their conduct. In the present state of the House of Commons, there were no questions which excited greater partiality than questions connected with private bills; yet the whole conduct of the standing committee, which had been appointed on that subject, had been as impartial as it was possible to be. It had been suggested to him that, instead of appointing a committee for inquiring into the merits of petitions complaining of general bribery, it would be better to refer such petitions to a committee of privileges. But what was the constitution of the committee of privileges? It was constructed of a certain number of members, by name; to whom were added all the lawyers and all the merchants, &c.; in fact, all who came had voices. To refer these petitions to a committee so constituted, would naturally lead to great evils. In the resolution which he had proposed, there was no limitation with respect to the time beyond which no petitions complaining of general bribery, should be received. It was not a general principle of our law, that the time during which offences might be cognizable was limited. He was aware that there were some exceptions to that general principle; but he was at a loss to understand, why the offence of bribery at elections was to be one of them. He had therefore not proposed any limitation of time. If, however, any particular wish existed on the subject, he had no objection whatever to introduce a limitation. There was another evil which it might be necessary to avoid; namely, the danger of persons who might present election petitions within the time prescribed by law, deferring the presentation unnecessarily. For, although it was not intended that the decision of the committee should affect seats, yet if such general bribery were proved, disfranchisement might occur, if not the expulsion of the member. There were many cases,

however, of bribery which would not call for the disfranchisement of the borough. For this reason he had proposed the instruction which had been printed with the resolution. He was aware that, by that instruction, the proposed committee would be rendered less efficient than it would otherwise be; but, on a balance of inconveniences, he had chosen what seemed to him to be the lightest of the two. The committee were directed, by this instruction, in the first instance to inquire if the petitioners might not have presented their petition in time to go before a regular election committee. If wilful neglect were established, that would be fatal to the complaint. But there were cases in which wilful neglect might not have occurred. The bribery might not have been discovered in time, or until after the prescribed period; or other causes, beyond the control of the petitioners, might have prevented them from presenting their petition until after the time at which it could be referred to an election committee. In that case it would be a fit subject for the standing committee which his motion went to appoint. He did not think it necessary to enter into any further explanation of his object. It was allowed on all hands to be desirable that some plan should be adopted to prevent the disgrace which was incurred by the existing practices. He thought he had shown that no inconvenience would result from the appointment of such a committee as he had proposed. The report of such a committee would not preclude the House from pronouncing any judgment which to them might seem meet, on any question brought under their consideration. But the great advantage would be, that no question would be submitted to them, in which there was not a *prima facie* case, requiring parliamentary interference.

Mr. *Leslie Foster* said, there could not be any doubt as to the importance of the subject, or the necessity of preventing a practice so disgraceful and unconstitutional, as that of which the noble lord complained. Respecting the means by which the end was to be accomplished, there might be a great difference of opinion. He must say, after hearing the proposition of the noble lord, that never since he had known any thing of parliament, had he heard a measure which should be received with greater caution than that before the House; because, out of regard to the excellence of its object, the House might be induced to adopt that which, in its result, might be attended with great inconvenience. In the first place it proposed a great change, and it was therefore the duty of every prudent man to ascertain, before he agreed to it, whether the law as it stood was not sufficient. Now, if there existed any ground of complaint on the subject of bribery at elections, he wished to ask what it was that prevented the existing rules from being enforced, or an investigation from being entered upon? The only fear was, that it might, perhaps, be entered upon with greater zeal than was necessary by one portion of the House; but he was sure that, in no part of the House, would be discovered any want of inclination to examine into the matter thoroughly. When had it happened that such a complaint had been preferred and had not been encouraged? In the case of Grampound, the other day, although a long time had elapsed, and although the matter had been already investigated in a court of justice, where the offenders had been punished, the House interfered as soon as the subject was brought before it. Did the House, upon that occasion, show any thing like a disposition to shield the guilty parties? What could be more satisfactory than the course which had been adopted on that occasion; or what more consistent with the justice of the case? Did not this, then, bring the matter to the question — whether the House should keep in its own hands the power it had exercised so usefully and so satisfactorily, or delegate it, as was recommended by this resolution to a committee? He was inclined to prefer the existing system, to that which was proposed, for many reasons. By the Grenville act, the parties interested did not know who were to be the judges until the very moment of trial; but, by the proposed resolution, the judges were to be known, and not to be changed after being once appointed. The difficulty of providing such a committee was not one of the least objections to the measure. A more invidious distinction, or a more odious task, than was to be imposed on this committee, could not be imagined. If any could be imagined which was more adapted to admit party views than another, it was the very tribunal now proposed. Who were to be the members of the committee? He doubted very much if many gentlemen

could be found, who would like to serve on such a committee; and of such as would be willing, the greater part would probably be such as the House might think the most unfit for the office. It would not be the least embarrassing part of their business to object to such members as were thought to be unfit; because there might be the best possible reasons for those objections, and yet it might not be desirable to give utterance to them. The principle, too, was decidedly a bad one; and the plan of choosing judges by chance, at the beginning of every session, must have the effect of sometimes sending before such a committee, cases which they were altogether unfit to try. The noble lord had justified his proposition by an analogy which had surprised him more than any thing else that he had heard. The noble lord said, it resembled a proceeding before a grand jury. Now there was only one point in which it could be said to have any such resemblance—that it was an *ex parte* proceeding. But, was it possible that the noble lord could have overlooked this material distinction—a distinction corrective of the injurious consequences which might otherwise arise from the *ex parte* examinations of a grand jury — namely, that the proceedings of a grand jury were private, and that they immediately preceded the investigation and determination of the subject by a petty jury? But would that be the case with the noble lord's committee? Would their proceedings be private? If not; if what passed in the committee would go to the country (and who could doubt it), did any man suppose that such an impression would not be made on the public mind, such a re-echo of all that had taken place in the committee, as to render any thing like a just and fair decision on the part of the House hopeless? He intreated the House, therefore, to pause before they agreed to such a proposition. The object which the noble lord had in view was an excellent one, but there were better courses for obtaining it. He had not heard any reasons for disbelieving that, if the identical petitions which, according to the noble lord's proposition, were to be referred to the investigation of the committee of twenty-one, were laid on the table of the House, the House would hesitate for a moment to refer it to a committee who would inquire into their foundation and merits. The noble lord had supposed, that there was some vague analogy between the proposed committee and the Committee of Privileges. It was directly the reverse. The Committee of Privileges, from being so numerous, so vague in its constitution, all who came having voices, were exempt from those particular objections which would attach to the noble lord's committee. The members of this committee of twenty-one would be placed above their fellows. There were two views in which such a committee might be contemplated. First, as a permanent judicial authority. Was there any thing in that analogous to the Committee of Privileges? But that was not all. They would be placed above all the other members of the House of Commons. They would be empowered to pronounce on the seats of all. They would share all the odium and suspicion naturally attaching to such privileges. They would be held up to public reprobation, and exposed to the most degrading imputations—imputations which as yet, thank God! attached to no man in that House. The noble lord said, that the committee would be the guardians of the House. The guardians! But who were to be the guardians of those guardians? *Quis custodiet ipsos custodes?* He would admit them to be men of the strictest honour and most upright principle; but still they would not be above suspicion. Because such a proposition was unfair to the members of whom the proposed committee was to be formed; because it was unfair to the House at large; because it was altogether unnecessary, and there was not a shadow of ground for its adoption, he should feel it his duty, to give it a decided negative.

Lord *John Russell* said, that as far as he was able, he would endeavour to give an answer to the objections which had been urged by the hon. gentleman to his noble friend's proposition. The hon. gentleman had expressed his surprise at that proposition, and had declared it to be his opinion, that no further proceeding on the subject was necessary, seeing that the existing remedies against bribery and corruption were amply sufficient. In contradiction to that opinion, he would only beg the House to observe what passed at every general election. Was it not a notorious fact, that in numerous places the returns were regulated exclusively by the greater or less amount of money which the candidates bestowed on the electors? At one of the most recent

elections, it was stated in the newspapers, that the voters held up for exhibition, and stuck in their hats, the bank notes which they had received as the wages which had been paid them for their iniquitous conduct. Could the hon. gentleman, could the House hear this and say, that the present restraints were satisfactory, and that it was not incumbent on parliament to apply a more efficacious remedy to the evil? But the hon. member proceeded to state a specific objection to his noble friend's proposition; namely, that whereas the merit of the Grenville act was, that the persons appointed by it to consider election petitions, were not previously known, by his noble friend's proposition, the persons appointed would be previously known to the whole country. But the hon. gentleman had committed a great error. The committee appointed by the Grenville act was a judicial committee; the committee which his noble friend proposed to appoint was only a committee of inquiry and investigation. He was surprised, therefore, to hear the hon. member lay such stress on his objection to the appointment of a committee of inquiry; seeing, that if there was any proceeding more conformable to the general usages of the House than another, it was that of appointing committees of inquiry for various purposes. Such committees were excellent courts of inquiry, but they were very indifferent courts of justice. He hoped his noble friend's motion would not be got rid of by a machinery which enabled the opposing parties to strike out thirty-six out of forty-nine persons, and thus strip the committee of those who were the best able to guide its decision. But, whether election committees were good or bad, whether they were machines well or ill calculated to perform their ends, were questions which had no reference to the proposition before the House. The object of the motion before the House was, that the committee to be appointed should inquire, and only report the result of their inquiry to the House. Could any thing be more different than such a committee, and a committee to decide upon the validity of the return of a particular member? This observation, he thought, got rid of the next objection of the hon. gentleman; namely, that such a committee would have the dreadful power to proceed even to expulsion itself. Every gentleman who heard him, and was disposed to bring an impartial, an unbiassed, an honest apprehension of what was said, very well knew that such was not the intention of the committee proposed to be appointed. No such arrangement had ever been attempted. It certainly was possible that committees, such as that which was proposed, might have to report upon cases of gross corruption—they might have to report upon instances of the most guilty bribery, of such bribery as might even directly inculpate the borough, or the agent of some particular candidate; but in no wise affecting the acts of that candidate himself. The committee might proceed to point out a practice of such delinquency as to disfranchise the borough, without inculpating the member. In the case of Grampound, the borough was convicted of the most corrupt bribery, and it was therefore disfranchised; but the members were not punished. His noble friend might allow that a case of bribery might be so brought home to a member of the House, that the committee would be absolutely obliged to express their opinion against the practice of that member, and the House might be compelled to yield to the evidence before them, and resort to no other remedy but expulsion. But this course would be due to the character of the House; and the instances would be very rare indeed in which that remedy would be necessary to be applied.—He would shortly refer to what the hon. gentleman had said in the former part of his speech, with reference to the readiness of the House to enter into investigations of this kind. In the case of Grampound, half of the electors had been convicted of the most shameful bribery by a court of law. Such a case might not happen again in the course of fifty years. Although the House had entered into that case satisfactorily, it was very far from evident, or even probable, that any case in point would soon occur to compel the House to pursue a similar course. The hon. gentleman seemed to recommend, that upon the occurrence of such a cause of inquiry, upon the presenting of such a petition, the members of the committee should then be appointed. Such a course would be far more invidious than the course recommended by his noble friend. His noble friend proposed, that certain members should be named who possessed the respect of the House, and who should continue to sit during the whole session. No member of

such a description, on either side of the House, would, he was convinced, hesitate to take upon himself such an office. In any particular case of complaint, it was more difficult for the members to take upon themselves the office. Whence did they form the Grenville committee but out of the members of the House? If hon. gentlemen made a general challenge against the members of the House, and proclaimed that they were unfit to constitute a permanent committee, the Grenville act ought to be changed, and the judicature upon the subject should be lodged somewhere else than in the walls of that House.—He fully approved of the proposition of his noble friend, and he was sorry that the House wished to add to it the instruction. It would at least be much better, in all cases which concerned the public, that committees of this description should be appointed, than that petitioners should be obliged to go before an election committee. However good an election committee might be to protect individual interests, in that House, it was by no means equally good, where the interests of the public were to be provided for. Although it was worth the while of great borough proprietors to spend four, five, or six thousand pounds to secure their property in a borough, the consideration of any expense of that kind would alone be sufficient to deter petitioners, whose only object was, to prove corruption at which they were disgusted, and by proving it to effect a public service. He well knew, from experience, the difficulty which any member on his side of the House had to encounter, in bringing forward such a measure. The opposition which this motion had met with led him to observe upon the different fate which was encountered by propositions for the improvement of the laws. If a minister, in the benevolence of his heart and the sagacity of his judgment, proposed an alteration of the criminal laws, he might, after having duly matured and meditated upon it, come down to the House and ensure the co-operation of those very men who some few years before had denounced upon such minister as Jacobins any one who should venture to propose any alteration in the cruel laws of the last century. Perhaps, even to crown his good fortune, some generous adversary might ransack the vocabulary of eulogy to express his admiration and gratitude. Far different was the reception of any similar proposition, originating from the opposition side of the House! The member who proposed it, must, in the first place, submit to the cutting and trimming of one minister of the Crown; and then perhaps another might take objections to that which the former had approved of. Then the discussion was put off from time to time; other business superseded it; and thus it was transferred, from one week to another, through a great part of the session. At last when he was able to bring the measure forward—when he thought it was so much reduced that it could offend the prejudices of no one—at that very time, the members of the other side, strong in the consciousness that they belonged to the majority, and interested in the protection of every abuse, contrived to throw so many obstacles in the way, that the unfortunate proposer, awed by the technical difficulties of the subject, tired of the vain pursuit, and worn out by the baffling opposition which he encountered at every step, was forced to give up the measure which a strong desire to reform and purify the best parts of the constitution had induced him to bring forward.

Mr. *R. Palmer* said, that in the county which he had the honour to represent, there was an instance afforded of the total inefficacy of the law, as it now stood, to check the most flagrant bribery and corruption, with all their train of perjury and demoralizing effects upon the people. He had received a letter, which fully detailed the manner in which the bribery was carried on, in a certain borough of that county. As soon as the time had expired, during which the existing law against such corrupt practices was in efficacy, an individual, well known by the name of "the Miller," went round to each elector, and left him a certain token of the sound judgment and propriety with which he had given his vote. The Miller gave the honest elector a token of 20*l.* for past services. The majority of these electors received this sum, and it was notorious that the present state of the law enabled them to do so. No elector of this borough made any secret of his receiving the favour of the Miller. In spite of this, they did not hesitate to take the bribery oath; and they raised no other question about the candidate than whether he was able to support the future visit of the Miller. The voters were, many of them, day-la-

bourers or paupers; and, previously to the election, they had solicited to be permitted to pay their parochial rates, in order to preserve or exercise their valuable privilege and birth-right—the elective franchise. Whether he was correct or not in what he stated, the hon. member who represented the borough in question could inform the House. Was not this one of the very numerous cases which it was desirable to bring before the House? He would not take upon himself to decide whether the constitution of the proposed committee would be the most proper or eligible that could be devised; but it was most desirable that some committee should be appointed to check such a system of abuse. No essential objection had been made against the committee proposed by the noble lord, and it appeared to him that it might check, if it did not totally prevent, the corruption complained of.

Mr. *Wynn* said, that if the evil existed, it was no proof that the existing law was insufficient to check the abuse. He was convinced, that the defect was not in the law, but in the want of persons to carry the law properly into execution. The penalties already established were, he thought, sufficiently heavy. If they were not, they ought to be increased. If a penalty of 500*l.* was not an adequate one, it might be raised to 1,000*l.* But the real evil was, not that the existing penalty was insufficient, but that there was not a proper disposition in persons to come forward as informers against those who committed the offence of bribery. For his part, he wished the law were more frequently called into operation. There was already a tribunal established for trying controverted elections. There were certainly cases which could not be brought before it—cases, in which men waited the fourteen days provided by the resolutions of the House, and then distributed their bribes. This evil, however, might be remedied much more easily than by the committee at present proposed; and the House might still have the benefit of the tribunal which they had already established. He, for one, saw not the least objection—indeed, he thought it would be an improvement, if persons were allowed to question the return of a member, within a given period after the payment of any sum of money, in pursuance of a statement of bribery and corruption. If such a case as that which had been stated by the hon. gentleman who spoke last, could be proved, the member who had practised it might be unseated. If the hon. member, or any other member, would prove the case at the bar of the House, he was confident that it was a case which the House would take into consideration. Unless such a practice extended to the majority of boroughs, or to a considerable number, there was no need of the remedy proposed. The cases of Grampound and Aylesbury elections fully showed, that the House was ready to apply the remedy to the disease. He had heard no reason which could induce him to think that the establishment of a standing committee ought to be resorted to at present. Nothing had been brought forward to prove that this House was an unfit tribunal, or that it had shown any backwardness in taking up a case, when a fair suspicion had been established, and where a report had been made that would justify the House in investigating it. There were, besides, various reasons which might render members unfit to sit upon such a committee. They might be connected with one or other of the candidates: they might have particular ideas on the subject: they might in conversations raise suspicions. Suspicions, it was true, were not grounds for deciding, but still they might produce dissatisfaction, with one or other of the parties. On these grounds he thought it much better that the law, as it now stood, should be continued, and that witnesses should be examined at the bar of that House, as was done in the case of Grampound, or the question be referred to a committee. The objection made to committees on private bills could not apply to this. Members, it was said, often did not attend until the evidence had been gone through, and this often for good reasons; for many of them were well acquainted with the merits of the case, and required no evidence to enable them to form a judgment. In the other case, members would find it necessary to attend to the evidence; as without that they might remain in perfect ignorance of the facts. He would not say that a committee should be appointed with powers which went to supersede those of the House, but it was clear that evidence could be taken in these committees much better than at the bar of the House, and that the report of the committee put the House in entire possession of the facts. His great objection, however, to a stand-

ing committee was, that it would interfere with the powers which must necessarily be vested in the House. In the time of Charles 2nd, a standing committee of privileges and elections was appointed; but the inconvenience was so great, and the attention and zealous co-operation of members could so little be trusted to, that it was found necessary to discontinue it. The hon. member who spoke last, had read an extract from a letter respecting a certain borough. He did not know to what borough he alluded; but, if the allegations were true, he would say investigate them fully. If there was a probability of proving such allegations as those adduced by the hon. member, he would consent that witnesses should be examined either at the bar of the House, or in a committee. The right hon. gentleman concluded by expressing his disapprobation of the proposed measure.

Sir *John Newport* said, he considered some alteration absolutely necessary, to put an end to a system, which it was idle to say did not exist to a very alarming extent, notwithstanding the provisions of the Grenville act. Fourteen years ago he had himself unsuccessfully brought forward a plan, in which he proposed that, in addition to the oath which members were obliged to take at the table of the House, an oath should be administered, by which they declared that neither they, nor any person on their behalf, had given any money, or promise of money, place, pension, or emolument, 'to any person or persons who had been instrumental in returning the said members to parliament. If the House were really in earnest, they would follow up that measure. It was idle to talk of other remedies, while the one to which he referred was neglected. Where was the utility of calling upon poor electors to take the oath against bribery, unless the elected were put to a similar test? The bill which he introduced, however, had been cut up by hon. and right hon. members, until at last it became a perfect nonentity. If the proposition of his noble friend should be rejected, he himself would bring in a bill founded on similar principles.

Mr. Secretary *Peel* said, that the right hon. baronet had certainly brought forward no very powerful argument in support of the resolution of his noble friend, because, though he decided upon giving it his aid, he had also declared that he knew of a better remedy, and promised to bring forward a bill for its enactment. Upon every principle, therefore, whether of supporting the present constitutional system of inquiry, or of waiting for the more efficient remedy of the right hon. baronet, he was bound to resist the proposition of the noble lord. Before he went into the merits of the question before the House, he would take the liberty of making a few observations upon the remarks of the noble lord opposite. That noble lord had observed, that the measures which had been brought forward for ameliorating the criminal law, had met with the cordial assistance and support of the members on the opposition side of the House, and that they were as anxious in forwarding any improvements, as if those improvements had emanated from themselves. For the conduct of hon. gentlemen on the other side of the House, in that respect, he certainly felt the highest respect, and he most cordially joined in approbation of that oblivion of party principles and political differences which had been manifested by them, as well as of the assistance which they had rendered him in his humble endeavours to improve the institutions of the country. But, although he was quite disposed to concur with the noble lord in his approbation of those who acted with the noble lord, he could not admit of the justice of the censure passed upon those whose views coincided with his own. He could not concede that there was a disposition on the ministerial side of the House to resist whatever propositions proceeded from those hon. members whose general politics were of an opposite character. The noble lord had referred, in the course of his observations, to two individuals, to whom he (Mr. Peel) could also refer as instances of the absence of the feeling imputed to him and his colleagues; namely, the noble lord, the originator of the present measure, and the hon. member for Westminster. When the hon. member for Westminster suggested the inexpediency of officers of the Crown interfering in the appointment of special juries, so far was he (Mr. Peel) from resisting the measure because it proceeded from the other side of the House, that he actually brought in a bill to prevent any such interference being exercised. And when the noble mover of the present proposition brought in a bill to facilitate the recovery of small debts, which met

with a good deal of opposition, he, instead of rejecting the measure from the motives assigned, supported it; and the noble lord having complained of the difficulties he encountered from the want of official information and official aid, and requested him to undertake the measure, he gave no proof of a desire to oppose it, on the ground of its having emanated from the opposition side of the House; for his answer was, that, although unwilling to deprive the noble lord of the credit of the bill, he was quite ready to afford him any assistance in his power for its advancement. Therefore he could not join in the censure conveyed by the noble lord upon those who co-operated with him. But while he contended that it was most unfair and unjust to attribute to him and those whose sentiments he shared, a repugnance against measures brought forward with a view to the reformation of abuses, on account of their having been brought forward by hon. members sitting on the opposition side of the House, it would be equal folly and equal weakness to suppose, that they were bound to admit detailed propositions of which they did not approve, merely because they proceeded from the other side. Although he might agree with the hon. gentlemen opposite as to general principles, he had a right to reserve to himself the liberty of judging whether the means proposed for checking an abuse, or instituting a beneficial alteration were efficacious or proper. So, although no man could be bold enough to stand forward in vindication of bribery or corruption at elections, yet it was but fair that he should be allowed the privilege of examining whether the proposed mode of suppressing it were a proper mode. For his own part, he was convinced that any alteration would be much better carried into effect by means of a specific bill, to regulate the proceedings, than by a resolution to refer such matters to a committee. He considered it would be painful to affirm or to reject any charge of such a nature, against any member of the House, by such a committee; and he would leave the House to judge of that, even upon the statement made by the noble lord (J. Russell), that they were to perform only the office of a grand jury in receiving evidence. But the resolution of the noble mover concluded by saying, "and that the committee do report their opinion thereon to the House." He would then ask, whether the House could come to an unprejudiced decision, when the noble lord proposed that the committee should consist of those members of the House who were most remarkable for "their probity, sagacity, and integrity?" And he would also ask, whether the naming of any number of persons, as thus distinguished above their equals,' would not be an insult both to the constituents of every member not on the committee, and to the elected themselves. Every man in that House, no matter what were the numbers or the power of his constituents, possessed equal rights, and there could be no reason why any particular persons should be presumed to possess a mental superiority. It would be, in fact, to put a particular mark for sagacity and integrity, on certain individuals. He would not submit to have such a mark placed on, or such a power intrusted to, any twenty-one men. But, supposing that such a thing were done, and a selection, the purest that could be made, were resorted to—what would be the consequence? The more pure the selection, the more binding would be their decision; and that decision, made upon what, too? Why, upon ex-parte evidence. But, what kind of sagacity would be exhibited in deputing any number of men for an unlimited time (as was proposed by this resolution), to pronounce opinions and give decisions upon the conduct of all those who were as competent and as fully entitled as themselves, to pronounce upon the conduct of others? He would not so far outrage the grounds of his opinions, as to proceed further upon this point; but, as a comparison of this committee to a grand jury had been made, let the House see how they could be compared. A grand jury no more resembled such a committee than the juries of the court of King's-bench, or of any other court, did. A grand jury was chosen from the people for a short and limited period, and merged almost at once back again amongst them. No one knew, before-hand, who was to be on it. It had no permanent jurisdiction to inquire; and whatever came before it, had been before verified upon oath before the magistrates. But what was to be the limitation of the jurisdiction of the proposed committee? Was every complaint, from every individual, relating to every town, to be received and examined by it? According to the resolution, every case of

alleged bribery or corruption was to be submitted to the committee, and without any qualification or restriction. No provision was made with respect to security. Again, he was desirous to know whether it was proposed that the proceedings before this committee should be carried on at the expense of the public or of the party: for this point, too, was left unsettled. Nor was any period of liability specified. What! was every member to be exposed, for five years to come, if parliament should last so long, to the accusations of any man who might choose to prefer charges without incurring any responsibility, or subjecting himself to any penalty? There were no recognizances to be entered into by any party who might thus come forward; nor was it stated whether the inquiry was to be made at the public expense. If such a measure was to be adopted, a bill would be the course to be pursued; for, in its progress, all those proper and necessary restrictions would be introduced, and he would, therefore prefer waiting for the bill of the right hon. baronet. He could most sincerely declare that he knew not on which side of the House the hon. members for the borough alluded to by the hon. member for Berkshire sat; but if that hon. member would tell him that there was a borough in which, six months after an election, a man went about the town with 20*l.* notes, to pay electors for their votes, imagining that because the fourteen days prescribed by law had not expired, they could practise these arts with impunity—if that hon. member would cite the mayor and corporation of such borough, he would take upon himself to assert the privileges of the House, and, if a *prima facie* case of corruption should be made out, he world consent that the Miller himself should be brought to the bar of the House, and would institute as rigid an inquiry as was sought for by this resolution, against which he now expressed his determination to vote.

Mr. *R. Martin* said:—In conformity with the vote I gave when the conduct of the borough of Grampound was under consideration, and in consequence of the pledge I then gave, I feel myself bound to give the proposition of the noble lord some degree of support. If I have no other alternative, I will vote for the noble lord's resolution, not because I hold it free from objection, but because it is the only mode of expressing my opinion by my vote upon this subject. At the same time, I hope that some amendment will be brought forward; that some counter resolution will be offered to the House by a member of the king's government, in order that I may give it my support. Under the expectation that some middle course may be adopted, the noble lord will, perhaps, allow me to recommend him to withdraw his proposition, at least for the present. But I wish, before I sit down, to ask the noble lord why he does not extend his resolution to counties as well as to boroughs? For I contend that more corrupt practices actually exist in counties than are ever discovered in boroughs. I assert, that there is more flagrant, more abominable, more stinking corruption in counties, than was ever yet exposed to the disgust of all honest men, in any borough either of England or Ireland. I know a county (and give me leave to say that the administration and the country have suffered a discredit, if I am not contradicted) into which a Secretary of State, or rather an under Secretary of State, went three days before the election took place, and opened a bank to defray the entire expenses—of whom? Of his nominee, I repeat his nominee, and I repeat it, because he called him "his man." So help me God, I am able to bring positive proof of what I state. I can prove that the under Secretary, out of his own money, paid the whole expenses of his candidate—that he promised places—that he gave bribes: nay more, I will prove that he actually promised a peerage [much laughter.] And there had been no check to these practices, because the press, from one end to the other, is full of the most notorious corruption. With reference to the risibility of the House I am not surprised at it. Such conduct, however, ought rather to excite disgust and indignation. If such practices had been used against even Mr. Cobbett, the affair would soon have got wind. The under Secretary, of whom I complain, did actually apply for places for some of his friends and supporters, during the election; and I appeal to the House whether such a state of things ought to be allowed to exist?—And, as they do, undoubtedly, exist, I ask whether the motion of the noble lord ought not to be extended to counties? The person whom I have alluded to is the marquis of

Clanricarde, under Secretary of State for Foreign Affairs. Yes. I denounce him as the man, and I ought to have denounced him earlier. Within twenty days I shall establish all I have advanced before a committee, and I shall apply for a special report against that individual. I shall be able to prove that the noble marquis has been guilty of abominable practices. The members of the government, in concert with whom I have acted for forty years, have, I conceive, been guilty of as objectionable conduct as the individual of whom I complain. It is immaterial to me, whether one man, or a hundred men, are corrupted or intimidated; it is quite clear that the existing law does not reach particular cases; and, therefore, it is proper that some new resolution should be entered into.

The *Chancellor of the Exchequer* said:—If the hon. member for Galway is entitled to accuse ministers of ingratitude after a service of forty years, I do not think the noble mover has much reason to be thankful for the sort of support which his proposition has just received. I apprehend he will be inclined to reject a vote given upon such grounds, and under such circumstances. Regarding the transactions during the election for Galway, I know nothing: but I hope the House will do the noble marquis, who is the object of attack, the justice to suspend its judgment. When I mention that the hon. gentleman who has stated his own case against the noble marquis is himself petitioned against by the very individual with regard to whom this corruption is alleged to have taken place, the House will perceive, that it would be most unfair to arrive at any premature decision. Let it be recollected, too, that that petition charges the hon. member for Galway with almost every offence of which it is possible for a candidate to be guilty.

Lord *Milton* said, that the object of his noble friend's motion, so far from being prejudicial to any party, fairly engaged in an election struggle, would have a very different effect. The object appeared to him to be that of putting the committee in possession of certain information; and it would then be for them to decide whether that information was or was not of sufficient importance to call for the interposition of the House. So far the committee, with reference to the House, were placed precisely in the situation of a grand jury, and yet he had heard it asserted, that there was no resemblance between the two bodies. When a petition of such a nature as that which the resolution contemplated was presented, it was wonderful why it should not be investigated. In cases of this peculiar description, the President of the Board of Control would rather have an examination at the bar of the House than the adjudication of a committee. But the fact was, that, if they adopted the former course, they would encourage all those evils which the Grenville act was framed to get rid of. A fair and impartial committee, chosen as his noble friend wished, would answer the purposes of justice much better than if a committee were appointed on the moment, the members of which knew the respective parties, and might in consequence feel a certain degree of bias on one side or the other.

Mr. *W. Wynn* said, he did not approve of the form of the resolution then before the House, and he had therefore drawn up another, which, perhaps, he should be allowed to read. In making the present proposition, he was sure the noble lord would feel that he was not actuated by any wish to stifle an effort which had for its object the prevention of corrupt practices; but he feared, if the proposition then before the House was agreed to, that it would give rise to a great many vexatious complaints. He therefore thought that a resolution to the following effect would meet the object of the noble lord, and would steer clear of the difficulties with which the noble lord's proposition was connected:—"That all persons who will question any future return of members to serve in parliament, upon any allegation of bribery or corruption, and who shall in their petition specifically allege any payment of money, or other reward, to have been made by any member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such bribery or corruption, may question the same at any time within twenty-eight days after the date of such payment, or if this House be not sitting at the expiration of the said twenty-eight days, then, within fourteen days after the day when the House shall next meet."

Lord *Milton* said, that the proposition of the right hon. gentleman did not go the length of his noble friend's resolution. But, while he admitted that he did not like the resolution of the right hon. gen-

tleman so well as he did that of his noble friend, he was ready to confess that the former would be a very considerable improvement of the law as it at present stood.

Lord *J. Russell* urged the propriety of passing a general resolution, declaratory of the determination of the House to put an end to bribery and corruption.

Lord *Milton* asked whether, under the resolution of the right hon. gentleman, general corruption might be proved in a borough, or whether it would only go to vacate the seat of a particular member?

Mr. *W. Wynn* said, the only question was, whether the cases referred to by the noble lord's resolution, did, or did not, come within the scope of the present law. If they did not, then, he contended, that his resolution fully supplied the deficiency.

Mr. *Abercromby* approved of the suggestion of the President of the Board of Control, but contended, that the difference between the two sides of the House really amounted to nothing. All gentlemen seemed unanimous in favour of the proposition of his noble friend. No man disputed, that the case stated by the hon. member for Berkshire ought to be investigated at any period of a parliament. Now, under the Grenville act, it could not be done after the lapse of a certain time; so that the House had only two modes of proceeding—either the appointment of a committee, to which the particular complaint might be referred, or the examination of witnesses at the bar. All knew that the latter course was most inconvenient, by delaying the public business of the session. The whole difference, therefore, was simply this—would the House, on an early day of the session, appoint a committee for the investigation of matters of this kind, or would it wait until the particular case occurred requiring investigation? If the former course were taken, no favour could be shewn. If the latter, it was liable to the imputation of partiality.

Mr. *Baring* thought, that the proposition of the noble lord would open the door to vague inquiry, while the resolution of the right hon. gentleman was open to another objection. He had for many years voted in minorities; and, if a charge of bribery were brought against a member of the opposition side of the House, in times when party feeling ran high, he feared he would have but a bad chance of a fair inquiry.

Mr. *R. Palmer* observed, that the resolution of the President of the Board of Control would exactly meet the case he had stated. The corruption of that borough ["name, name"] would thus be exposed. He hoped, therefore, that the noble lord would withdraw his motion, though if it were brought to a division he should vote for it.

Lord *Althorp* felt called upon to state, that there was a considerable difference between his own resolution and the suggestion of the right hon. gentleman. His own proposition was intended to have the effect of facilitating the disfranchisement of corrupt boroughs, while the amendment of the right hon. gentleman would by no means go to that extent. In many cases before election committees, only enough was proved to unseat the particular member, and there the inquiry stopped, without pursuing the investigation, to ascertain whether it would be fit to disfranchise the borough for bribery and corruption. He did not include counties, because his object was, not to attack the seats of members, but to purify boroughs; and he knew of no means of disfranchising counties. Although he preferred his own resolution, he considered that the change proposed by the right hon. gentleman would be a great improvement of the present election law of the House. Under the circumstances, he would not trouble the House to divide, but could not consent to withdraw his resolution.

The resolution was negatived without a divison. On the proposition of Mr. Wynn being put,

Lord *Althorp* said, he was willing to support the resolution, because he felt considerable anxiety for any beneficial alteration of the law on this point.

Lord *Milton* agreed, that, as far as the resolution went, it tended to remove corruption in boroughs. But he must take leave to observe, that the scope and object of the resolution of his noble friend was different from that of the right hon. gentleman's proposition. His noble friend wished to get rid of the corruption of the elective body, but the right hon. gentleman opposed himself to the person elected. This, he allowed, was a good object but it was different from that which his noble friend had in view.

Mr. Secretary *Peel* concurred in the opinion of the noble lord, that the scope and object of the resolution now before the House was different from that of the

proposition which had been rejected; and for that very reason he would support it. It was, in his opinion, an improvement of the Grenville act. Under that act, when no promise in writing was received, when no bond was given, when no sum was paid, but an understanding was entered into between the parties, that, at a certain time after the election, a douceur should be given, then the law might be evaded. But his right hon. friend's resolution provided this farther security, that, within a definite time, if a specific fact were stated, the party might have redress: he would support the resolution, because it was a considerable improvement of the existing law.

Mr. *Abercromby* viewed the great question as being, whether a general committee should be appointed, or a committee on each particular case. He was not inclined to attach all the importance to the present resolution, which, on the first blush, some gentlemen might think it deserved. Many petitions were presented under the bribery act; but they all must be aware, that though bribery was mentioned as one of the points on which those petitions were founded, that charge was rarely touched upon. They were not, therefore, he conceived, likely to benefit much from the present resolution. From that of his noble friend he believed much good would have arisen, as it referred to a class of cases quite different from those which the present resolution was intended to meet.

Mr. *Hobhouse* expressed himself in favour of the resolution, and trusted that all opposition to it would be withdrawn. At the same time, he should not be acting fairly, if he led the House to suppose that he expected any great benefit from it. He did not think that any material good would be effected by this or any other temporary expedient. At the same time, it would be extremely wrong, when an opportunity occurred, even of attempting good, not to accelerate it as far as he possibly could.

Lord *Milton* thought the resolution carried with it rather the appearance of a wish to do something, than contained within itself the prospect of any substantial benefit.

Mr. *G. Lamb* said, it would appear, from the wording of the resolution, that no benefit could be derived from it until the next session of parliament, because it said "in all future returns." In his apprehension of the matter, therefore, cases that were now worthy of being brought before parliament, could not be affected by it. He felt with his hon. friend, that this resolution, while it professed to do much, would really do nothing. He approved of the resolution of his noble friend, as being more comprehensive.

Lord *J. Russell* thought, that the resolution was a considerable improvement of the law. He wished to know whether the right hon. gentleman meant to introduce any general remedy for general corruption.

Mr. *Wynn* said, that he wished by this resolution to keep both the electors and the elected pure. The person seeking for a seat, if solicited, would answer, "I cannot bribe you, even though you wish it; because, long after the election is over, if any well-founded impropriety is complained of, I am certain to lose my seat." He would thus render it imperative on candidates not to transgress the law.

Lord *Milton* had two objections to the resolution. The first was, to the word "future;" the other was, that the corrupt promise mentioned in it only referred to the payment of money: whereas a candidate might bribe a voter by promising him a place in the Customs, or some other situation, and not offend against the resolution.

Mr. *R. Martin* contended that the word "county" ought to be introduced into the resolution.

Mr. *Wynn* reminded the hon. member, that the resolution included all returns whatsoever, as well for counties as for boroughs.

Lord *Milton* said, that he had two amendments to propose: the first was, that the word "future" should be left out of the resolution; the other, that after the word "money," the words "or gift of place, emolument," be inserted.

Mr. *Ferguson* observed, that, as the question did not appear to be clearly understood, it would be better to adjourn the debate upon it.

Lord *Milton's* first amendment, as to the omission of the word "future," was then put and negatived. The noble lord's second amendment, as to the insertion of the words "or gift of place, emolument," being put,

Mr. *Scarlett* observed, that, as there

appeared to be a doubt amongst some members, as to whether the words of the resolution were sufficiently comprehensive, the wisest course would be to adjourn the debate.

The debate was accordingly adjourned till Friday.

MUTINY BILL—FLOGGING IN THE ARMY.] The House having gone into a committee on this bill,

Mr. *Hume* proposed, as a clause to be added to the bill, that it should be unlawful to inflict corporal punishment, by stripes or lashes, upon any soldier or non-commissioned officer.

Sir *J. Sebright* opposed the clause, convinced, as he was, that the power to inflict corporal punishment ought not to be discontinued in the army.

Mr. *Hobhouse* supported the clause.

Lord *Barnard* was averse to the infliction of corporal punishments; but, from an experience of eleven years in the army, he felt bound to declare, that, in his opinion, it would be unsafe to try the experiment suggested.

Mr. *Bernal* wished a committee to be appointed, for the purpose of inquiring into the practicability of dispensing with the infliction of corporal punishment in the army.

Sir *H. Vivian* trusted, if a committee were appointed, that it would be a committee of practical men, and expressed his opinion of the necessity of corporal punishment to maintain a proper degree of discipline among our troops.

Mr. *R. Gordon* said, that these punishments were admitted by their advocates to be evils, though they contended that they were necessary evils. He should be glad to see the necessity removed, and some better system substituted for the present defective one.

Mr. *R. Martin* denied that the infliction of flogging in the army was not a revolting cruelty.

Lord *Palmerston* defended the system of corporal punishment in the army, and contended that, from the classes from amongst which the British army was composed, it was impossible to preserve discipline but by some coercive measures. He denied that any abuses of the power could be proved.

General *Duff* said, that it was as easy to chain the north wind as to manage British soldiers without the aid of corporal punishment. It was no degradation. He had known men die at the head of their regiments, who had at one time been subjected to the punishment of flogging.

Mr. *G. Lamb* declared himself a convert to the opinion of the hon. member for Aberdeen, not from the arguments used on his side of the House, but from those urged by the gallant officers who opposed the abolition of flogging. Nobody could persuade him, that the tying a man up to the halberds, and flogging him in the presence of his fellows, was not a degradation.

Colonel *Wood* contended, that this punishment was indispensable in the militia.

Mr. *W. Smith* said, that as he had used his best endeavours to save criminals from this degrading punishment, he could never give his consent to have it inflicted on British soldiers.

The committee divided: for the clause 16; against it 57: majority 41.

HOUSE OF LORDS.

Tuesday, February 27.

GAME LAWS.] Lord *Wharncliffe* having presented a petition from the magistrates of Bury St. Edmund's, praying for a revision of the Game Laws, observed, that in pursuance of the notice he had given, it now became his duty to call the attention of their lordships to this subject. His lordship proceeded to state the grounds on which he thought the present Game-laws ought to be altered. He trusted that his motives would not be mistaken, nor the object he had in view over-rated. Their lordships had doubtless heard of those desperate conflicts which frequently took place in consequence of the attempts of poachers to obtain possession of game, and must wish to do away with such a state of things. Unfortunately, there must now be many persons in the country who had become habituated to this system of depredation and plunder; for it had been carried on for a great number of years. So long as the persons who had been brought up in such habits existed, it could not be expected that poaching would entirely cease; but he hoped and believed, that a change in the present laws—a change which would go along with the common sense and feelings of the people, and which would induce them to say, "this is right,"—would greatly tend to remedy the

evil, and would speedily diminish the number of those who lived by unlawful plunder. He hoped it would not be thought presumptuous in him to submit a proposition on the Game-laws to their lordships, so soon after he had had the honour of being called to that House by his majesty's favour. The subject, however, was one to which his attention had been directed for many years. He had frequently adverted to the subject in the other House of parliament, and that House had, on his motion, passed a bill to amend the Game-laws, which was sent up to their lordships, but which did not receive their sanction. Being now a member of their lordships' branch of the legislature, he proposed to bring the subject under their consideration. He did not expect to be able to remove all the evils, or even the greater part of them, which sprang from the Game-laws, but with those laws no man was satisfied. All parties and all ranks condemned them; and the question was, could these laws be so amended as to give satisfaction to the great mass of the people? He was aware that the task was a difficult one; but not so difficult, he thought, as to induce him not to encounter it. He was himself a country gentleman, fond of the sports of the field, and wished on no account to do any thing to injure or destroy them. No man was more sensible than he was of the advantages of country gentlemen residing on their estates; but if that advantage were to be purchased at the expense of retaining all the gross evils of the present Game-laws, he should say it would be too dearly purchased. He was happy to say that when he looked at the system of the Game-laws, he found that in order to amend them, nothing more would be necessary to be done than for their lordships to return back to the state of those laws at an early period, before they had been altered by modern legislative enactments. For himself he would say, that he was no reformer, but he could not shut his eyes to errors which were the growth of time. He would look to the principle on which their lordships' ancestors had founded the Game-laws, and keeping that principle always in view, would endeavour to discover how far, consistently with that principle, they could be amended. And here he must observe, that nothing in his opinion did so much harm as an erroneous dictum laid down in a book which was generally popular. Now, in the "Commentaries" of Blackstone,—a book which was the most popular of any on the laws of England,—a dictum was laid down on the subject of game which he must beg leave to say was at variance with the common law of the land. That author stated the animals pursued as game to be *feræ naturæ*, and that being so, they belonged to nobody but the king. Now, he would contend against this dictum. Such was not the law, and never was the law of England. The king never possessed such a power as that attributed to him by Blackstone. Every man had full and complete power over the game on his own land, and the true principle of English law with respect to such property was—*cujus est solum, ejus est usque ad cœlum, atque ad inferos.* Not a partridge or a hare upon any man's estate belonged to the king. The first principle to be set out with in amending the Game-laws was, that according to the common law every man had the right to do what he liked with his own land, and therefore was the owner of the game upon it. Such was always held to be the case, till a comparatively late period, when the Game-laws were altered—an alteration which had produced a change disgraceful to the country. The first great alteration was made in the time of Charles the 2nd, by acts of the 22nd and 23rd of that king's reign. The qualifications which had been established for killing game were of the most absurd and inconsistent nature. He knew that a great number of persons were of opinion, that the present state of the law on this point was the means of preserving game, and though willing to allow game to be sold, they would not consent to alter the qualifications. But he must say, that if their lordships allowed the sale of game, and continued the present qualifications, they would not only do no good, but would make the law worse than it now was. What were the present qualifications to kill game. He would mention some of them to their lordships. A man must be possessed of land to the value of 100*l.* a-year if a freeholder, or of 150*l.* if a leaseholder, or must be the eldest son of an esquire, or of some person of higher degree. Now, with respect to the first qualification, that of 100*l.* a-year, it was easy to understand why it had been enacted. It was, doubtless, supposed, that a man who possessed an estate of 100*l.* a-year, would have land enough to sport upon; but the

reason of other qualifications and disqualifications was not so apparent. He was now addressing the great landholders of this country; and all the noble lords around him were not, perhaps, aware, that every time a Scotch or Irish peer went out to sport in this country, he was liable to a penalty of *5l.* if he did not possess freehold or leasehold property in England of the required value. According to the law, the second son of a man of property was not qualified to shoot on his father's grounds. The elder son was qualified, but all the rest were disqualified. There were some classes who acquired the right of shooting through others who could not shoot. Certain persons, propagated shooters, for they might have sons who were officers, and were therefore qualified, though the law would not allow them such right. He would mention to their lordships an instance of hardship which might every day occur in the administration of the Game-laws. A person of great property, who resided in the country, but was possessed of no land, wished to amuse himself by shooting. He went out with his gun, and the next day had an information lodged against him, which was followed with a conviction, and the payment of the penalty of *5l.* Among the other inconsistencies of the law, he would again advert to the circumstance of the second son of a man of property not being qualified. If a second son was seen sporting on his father's grounds, the gamekeeper of a neighbouring estate might lodge an information against him; but the gamekeeper could not seize his gun or prevent him from shooting, because he could not come over the hedge without leave. If he did, he would be guilty of a trespass. If, however, an unqualified person went on shooting, the law afforded but a very remote remedy. All that could be done was some three months after to prosecute him at some assizes. The prosecutor must then take his chance of an action at law, on which he would perhaps lose the day, and have to sustain a considerable expense; whereas the unqualified sportsman, if convicted, would only have to pay his own costs. Under the act of the 5th of queen Anne, a man might go on sporting all day if he gave his name. If he was afterwards found, he was only liable to conviction in the penalty of *5l.*, and perhaps he might never be found. All these circumstances showed the confused state in which the law upon this subject stood. He would wish to prevent any person from sporting on another man's land without his leave, and would make it lawful for any person to warn any one so sporting, off the ground. By the alterations he should propose, the owners of land would have complete power to prevent any one from trespassing on their grounds. A main object which he had in view was, to do away with the present qualifications. In justice and honesty, every person ought to know another person's land, and ought not to pass the hedge which divided his own from that of his neighbour's property. He would say that no man should trespass upon another person's land, either for the purpose of sporting under the protection of qualifications, or with the object of theft or gain. Should any person so trespass, he would propose that it should be lawful for the person who owned the grounds, or any body appointed by him, to go to the trespasser, demand his name, and warn him to go off the property; and if that demand should not be complied with, the proprietor should have power to take him immediately before a magistrate, and if any resistance should take place he hoped some considerable punishment would be enacted against the offender. This was a way by which, he thought, property would be much better protected than by the trumpery laws that now existed. Every one would thus have a complete power of preventing any person trespassing on his grounds, and a summary power too, by being enabled to take the offender forthwith before a magistrate, instead of being sent to seek for the distant remedy of an action for damages, the chances of which were, after all, against him.—Having stated his mind upon that part of the question, he should proceed to the other parts of the question. The lord of the manor should have a right to the whole of the game upon his soil. The principle upon which this went was, to do away with the qualifications, but to guard against trespass. He thought it should be considered whether, when a power was given for a protection of game, a power should not also be given for the sale of game. He saw no reason why a person who was allowed a property in game should not be allowed to sell it. The law which prevented qualified persons from selling game was of recent date. An early statute of Henry 7th prohibited the selling of game; but the statute of the 28th of Geo. 2nd quali-

fied that principle, and was the first statute that imposed a penalty upon the selling of game; but its operation was against the person who sold the game, leaving the person who took it untouched. The 58th of Geo. 3rd put the buyer and the seller upon the same footing. He proposed to sweep away those statutes. The state of society in this country had altered considerably since those acts had passed, which imposed a penalty on the selling of game. Whatever laws their lordships might make, let them not be deceived. However tightly they might endeavour to draw the cord, game would be sold as long as there were rich people to buy. Riches would ultimately triumph; and it would be absurd to say to the rich alderman in London, "you shall not have game." Let game be bought and sold; but he was well aware that at that moment, and under present circumstances, it was possible that a free and open market might have the effect, for some years, to increase the crime of poaching. He would, therefore, restrict the operation of this principle of free purchase and sale, until the market should get into a regular state of supply. He should therefore propose, that the bill should contain a clause empowering magistrates to license persons, until such time as that power might be dispensed with; for he thought it the best and wisest plan to open the door only by degrees. As he had stated before, he had great reason to hope that the legalizing the purchase and sale of game would go a great way to put an end to the crime of poaching. But he would ask of their lordships to consider well how much they would increase the injury of the present laws, if they should confine the power of selling game to the person possessing a certain amount of property—if it were allowed to an individual who possessed an hundred acres of land, or 100*l.* a year, to kill game and go to the market and sell it, while his neighbour, who possessed only ninety nine acres of land, or 99*l.* a year, should be prevented. Not only the great landlords, but the small proprietors of land, should have the privilege of selling game. If a person had an estate of three hundred acres, two hundred of which were mortgaged, he would then just have sufficient to qualify him, but would have the power of shooting over the whole estate; while another person who had ten acres less would be disqualified. He would endeavour to correct that injustice in the first bill he should have the honour of laying upon their lordships' table.—Another part of the subject related to those persons who went out in the night for the purpose of poaching. Every one who had read the papers for the last three months, and knew the state of the country, must have seen with horror the conflicts which had taken place in consequence of that practice. It happened, too, that the compassion of the people of this country was not excited for the unfortunate gamekeeper, but for the poachers. The language held upon such occasions was, that the laws were unjust and severe. This was not a right state of things, and the only way to put an end to the practice of poaching was by giving a right state of feeling to the public mind. That would go to break the habit of going out at night, for the purpose of depredations of this sort. If a man once went out at night, if he did not get a partridge or a pheasant, he would not return without a sheep. He intended to bring in a bill for the purpose of punishing persons who should go out at night, and to repeal the 57th Geo. 3rd on that subject. The penalties of that existing severe act were, that every person who should be found in a wood or enclosure, armed with a gun, for the purpose of destroying game, should be liable to be tried for felony, and, upon conviction, to be transported. That was a most severe act, and, in many recent cases, the punishment had been thought to be of so severe a nature that juries had been unwilling to perform their duty. That would not be the case if the law were altered. It might be very necessary when a person should be so inveterate in crime, and so decidedly unfit to remain in this country, to send him to another. But it was rather too severe a punishment for the first offence; when, by proper means the offender would probably mend. His proposition was, that a man for the first offence should be liable to be carried before a magistrate, and, upon conviction, be sent to the House of correction and put to hard labour for three months, and at the end of that period to find good sureties for a year. For the second offence, the offender should be sent to prison for six months, and find sureties for a still longer period; and for the third offence be liable, upon conviction, to be transported. Further than that, he was even willing to go, and to say that if any person should assault the gamekeepers, whether upon the first, second

or third offence, such person should be liable to be tried for that assault. These were the alterations in the present law which he proposed to their lordships. They were founded in justice, and upon a provision which was new in gaols, and to which he should call their lordships' attention. Hitherto persons offending had been sent to gaol, and at the expiration of their confinement were perfect masters of themselves, and at liberty to follow their former practices. He had proposed to take from those people a note-of-hand, which should be signed by some of their relations; and it certainly had the effect of making them think that if they offended again, they would not only bring themselves, but their relations into danger. It had been said, in objection to that point, that it could not be supposed that young men could give sureties; but he was satisfied that there was no young man who had offended only a first time, or even a second, but could find sureties. He had had sureties offered to him over and over again. These were the provisions which he would submit for their lordships consideration; and he trusted that their lordships would give their full consideration to them. His object was, to put the law upon the subject, not only in an intelligible, but also in a practicable form. His measures did not go in the least to touch the rights of the lords of the manor; and he trusted their lordships would not receive them as coming from an enemy of their sports; for he was equally connected with those sports as any of their lordships, but was proceeding from an anxious desire that the peers and the gentry of Great Britain should stand well with the people. The noble lord then introduced a bill to amend the laws respecting the preservation of game in that part of Great Britain called England.

The Earl of *Malmesbury* did not rise to object to the first reading of the bill which his noble friend had just brought in, but to return thanks for the clear statement he had made upon so important a subject as the Game-laws. He wished, however, to make a few observations. In the first place, he did not attach so much importance to doing away with the qualifications, as he did to the provision for making game property. The great increase of the crime of poaching had been ascribed to the operation of the Game-laws. So it had often been stated, but the truth was, that this great increase of poaching was not so much owing to the Game-laws, as to the present distressed condition of the humbler classes of society. The Game-laws had existed for two centuries, without this crime having prevailed to so great an extent as at present. The circumstance was owing to the reduced state of the poorer classes, and to the low price of agricultural produce. He observed a noble lord smiling at that observation, but such was undoubtedly the case; for, owing to the low price of produce, the agriculturists were unable to employ so many labourers as they would otherwise do in the improvement and management of their lands; and the consequence was, that, in the agricultural districts particularly, the people were too apt, from want of lawful employment, to encounter the dangers of poaching. Another cause of the increase of poaching and other crimes, was the present commodious and comfortable state of our gaols. With reference to that point, his lordship stated, that a man had shot at another man in his park, and desired a person who was passing at the time, to notice the fact. The man was brought before him, and when questioned as to his inducement to shoot at the other man, he replied, that he wanted to be sent to prison. He did not think it proper to gratify the man's inclination; but this showed in what light imprisonment, in the present commodious state of our gaols, was regarded. His noble friend had stated, that he did not mean that the sale of game should be made entirely open at once, but only that it should be rendered lawful for certain licensed persons to sell game, which, in reality, amounted to the same thing. In adverting to the topic of qualification, he completely differed from his noble friend, who appeared to think it an hardship on the rich fundholder, that he should not have a proper supply of game for his money, while it could be had in abundance by a far less wealthy landowner. Now, it so happened, that the fundholders had, during and since the war, obtained great interest for their money, and increased their capital prodigiously; while the landowners were obliged to be content with an interest of three per cent on their capital. If these rich fundholders were so bent on having game, why did they not, with their superfluous riches, purchase as much land as would give them a qualification to kill it. The case of the rich

fundholder was certainly, therefore, not a case for pity. The grand point for their lordships' consideration was, the great increase, not only of poaching, but of crime generally; not owing to the operation of the Game-laws, but to the extraordinary state of penury and distress to which the labouring classes had lately been reduced.

The Earl of *Hardwicke* said, he could not agree with the noble lord who spoke last, that the great increase of poaching arose out of the distressed state of the country, and not out of the laws. He thought the country was highly indebted to the noble lord opposite for the great pains which he had taken upon this subject; which was certainly one which deserved the serious consideration of the whole legislature. It was notorious that the gaols of the country were filled with persons accused of the crime of poaching; and it would be a happy circumstance, if any device could be found to give a check to the growing increase of that, and of other crimes. He trusted that, whatever the result might be, the noble lord would proceed with his measure, that their lordships might at least have the opportunity of fully considering the subject. Nothing could be more absurd than that an alderman of the city of London should not be able to purchase a pheasant as well as a turkey. He would allow him to purchase all kinds of game.

Lord *Teynham* adverted to the great demoralization of the peasantry which had taken place, and thought that no time ought to be lost in entering upon a thorough investigation of the subject. The peasantry of the present day were not the peasantry of our ancestors, "their country's pride," but a degenerated peasantry. Taxation had reduced that portion of the population of this country to such a state, as existed in no other part of the world. He himself would move for the appointment of a committee to examine into the condition of the labouring classes, if no other of their lordships thought proper to do so.

The Earl of *Carnarvon* thought that the best thanks of the House and the country were due to the noble lord for bringing this important subject under their consideration. A bill had, not long ago, been brought up from the other House on the same subject, which was in some respects attended with difficulties, and their lordships had thought proper to reject it. In the bills now to be brought forward he trusted that those difficulties would be removed; and, if they proceeded on the same principle as the former bill, they should have his decided support. He fully agreed with the noble lord who spoke before him, that great demoralization had been produced in the condition of the labouring classes, more especially in the agricultural districts, where the wages of labour were reduced to the minimum, and the poor-laws were executed in such a manner as to aggravate the evil. That this was one cause of the increase of the crime of poaching, as well as of other crimes, there could be no reasonable doubt; but still it could as little be doubted, that the increase of the crime of poaching ought, in a considerable degree, to be ascribed to the operation of the Game-laws. It was impossible that those laws should not contribute, in a high degree, to the increase of that crime, when it was considered, that game was a commodity which no one was ashamed to buy, although, in the first instance, it could be sold only by thieves. Respectable people would feel ashamed to purchase any other article, knowing it to be stolen; but this feeling did not extend to game. No man could attach more consideration to the comforts of the country gentlemen than he did; but, owing to the present state of the Game-laws, crimes against them remained often concealed and unpunished, and, by that means, naturally led to crimes of greater magnitude. Until the qualifications and other obnoxious parts of those laws were done away, matters could not be placed on a proper footing. He highly approved of affixing a milder punishment to the crime of poaching, in the first instance; and he was satisfied that in such cases, the parents and other relations, and even the farmers whom they served, might often be induced to become sureties for their future good behaviour; and that this would have a good effect in repressing the crime. It was a common saying, that there was honour even among thieves; and these people would be deterred more effectually by the consideration that their relations and friends would be compromised by a second crime, than if they knew that they themselves would be the only sufferers. This sort of feeling was apparent, in the extreme difficulty found in inducing one poacher to give up another. He concluded by again thanking the noble lord for bringing forward the subject, and for the pains which he had bestowed upon it.

Lord *Clifden* said, that there was one part of the question which the noble lord had entirely omitted to mention in bringing forward his laudable propositions; but he supposed the great difficulty of touching upon so delicate a subject must have occasioned the omission. He alluded to the use of spring-guns. Two years ago, a noble lord had carried a bill through that House, which had for its object the putting an end to their use; but it was lost in the other House. It was a disgrace to the country that they were ever allowed to be set. Every paper related the accidents which they occasioned, and the mischief was, that the guilty seldom suffered by them. Their lordships were aware that no man would buy a fowl if he knew it to have been stolen, but no one was ashamed to buy game; and he believed that the highest personage in the state had bought game to a considerable amount. Every man thought he had a right to buy game.

The Marquis of *Lansdown* said, he had no wish to detain the House by going into the details of the bill which had just been offered to their lordships' consideration, as noble lords would be better prepared to give their opinions upon the subject on the second reading of the bill; but, in rising to say a few words, he wished to convey the most cordial expressions of his respect and gratitude to the noble lord for bringing the subject under the consideration of the House, in a manner which must secure for it an ample and full discussion. Greatly as the offences against the Game-laws had directly increased, a very imperfect estimate would be formed of the consequences of those offences, unless their indirect effects were taken into consideration; they being the first step towards other crimes of all descriptions, and of a more heinous nature. The offences against the Game-laws undoubtedly led, especially in the agricultural districts, to the commission of a variety of other and more desperate crimes; and it would be taking a very narrow view of the subject to suppose that the consequences were confined to the increase of the single crime of poaching. He therefore, intended to have on their lordships' table, by the time these bills should be read a second time, a return of commitments for crimes in general, which might have the effect of throwing much light on this subject. He agreed that the increase of crime had been owing to other causes besides the Game-laws; and the main cause was, in his opinion, the unfortunate habit of paying wages out of the poor-rates — thus destroying, in the labourer's mind, every feeling of independence, honour and honesty—for there might be honour and honesty in all stations, and rendering them negligent of character, when they found that character could be of no use to them. This was an evil which, perhaps, was not so well known to the noble mover, as it had not, as yet, in its worst features, extended to the north of England, though it must soon reach that quarter also. Thus the labourers were first led to commit offences against the Game-laws, and these paved the way for still more heinous offences.

The bills were then read a first time.

HOUSE OF COMMONS.

Tuesday, February 27.

ADMINISTRATION OF JUSTICE IN THE COURT OF CHANCERY.] Mr. *M. A. Taylor*, being called upon by the Speaker to make his motion on the subject of separating the jurisdiction in all matters of Bankruptcy in the High Court of Chancery, said, that, as his right hon. and learned friend, the Master of the Rolls, intended on that night to submit to the House his bill for the improvement of the Administration of Justice in the Court of Chancery, he thought it due as well to his right hon. and learned friend, as to the convenience of the House, to withdraw his motion, until they should be in possession of the measures which were intended to be carried into effect by that bill. He hoped, however, that in thus withdrawing his motion, he should not ultimately lose any thing, as he reserved to himself the power of bringing the subject under their consideration at a future opportunity, as well as to make any observation in the course of that night, which he might think necessary to a proper elucidation of the subject. No exertion, he begged to assure the House, had been wanting on his part, to have those evils and abuses of the Court of Chancery, under which the suitors of that court had so long writhed, fully and fairly examined, and he trusted the time was now arrived when they would be effectually redressed.

The *Master of the Rolls* (sir John Copley) then rose, and addressed the House to the follow purport:—

I have, in the first place, to return thanks

to my hon. friend for his courtesy in giving way on this occasion. I certainly did anticipate the indulgence which he has afforded me; but, at the same time, I am bound to express my acknowledgments for the readiness with which it has been conceded. I rise now, therefore, in pursuance of the notice I gave some time back, to move for leave to bring in a bill to alter and amend the practice of the High Court of Chancery. The House is aware, that, in the course of the last session of parliament, I gave a notice of nearly the same description, and that in pursuance of that notice I obtained leave to bring in a bill for the same purpose as that which I am now about to propose. It will be necessary, therefore, in the first place, to explain, in a few words, why I did not avail myself of the permission I then obtained, and why I did not follow up the measure I then proposed in the subsequent stages. It must be quite obvious to every one acquainted with the subject, that a measure which purposed to alter the course of proceeding in the highest court of the kingdom, must involve great complexity of arrangement, and call for extraordinary minuteness of detail. In the measure which I submitted to the House last session, there were provisions which would have rendered it necessary to make an application to parliament for a very considerable pecuniary grant, in order to give them full and efficient operation. After having given that and other circumstances due consideration, it appeared to me, and to others, by whose advice I was influenced, that it would be almost impossible, during the remainder of the session, to succeed in carrying that bill, and the other measures by which it must have been accompanied, through the two Houses of parliament in such a manner as to give them the effect of law. These considerations, therefore, in conjunction with others, induced me to abstain from pressing the bill upon the attention of this House during that session; for I thought it would be an idle waste of time to enter upon the discussion of the matters contained in it, without a prospect of coming to any satisfactory issue, and involving the House in discussions which could only lead to unprofitable debates. I thought it, therefore, better at once, to abandon the bill which I then introduced, reserving to myself the right to repeat the motion when I considered it to be more expedient, and to follow it up by a bill, embodying those provisions which I thought adequate to effect the reformations which were proposed. This is the short history of the measure which I then introduced; and I am happy to be able to say, that I have reason to believe I acted correctly upon that occasion, and that the course I pursued has obtained the approbation of those whose soundness of judgment entitles them to respect. I rejoice, indeed, that I did so postpone the consideration of the question, because that postponement has afforded me additional opportunities of considering subjects, as I have already observed, of very great difficulty, and of maturing the plans which I am about to submit to the House. I am satisfied, too, from that more mature consideration, that it will not be necessary, in the bill which I am now about to propose, to make any provisions which shall call for pecuniary assistance; but that, on the contrary, we shall be able to carry all its objects into effect, without requiring from the country any grant of money.

It will not be expected that I should now go into an explanation of all the particulars of the evils or the remedies, as applicable to the practice of the court of Chancery, with the same minuteness of detail, as when I had last the honour to address the House on this subject. I am convinced, that such a course would be as irksome to the House, as it would be painful to myself. I shall endeavour, therefore, to treat the subject generally, and to render my references as clear and as intelligible as possible, not only to those who are acquainted with the practice of the court, but—at least in its outline—also to those who are not practically acquainted with the court, and who have no practical knowledge upon the subject.

In the first place, therefore, it will be necessary to understand the nature of the subject, that I should get rid of all those cavils and objections which have no bearing upon the question we are about to examine. I may say, with confidence, that I have never found any one individual, upon whose judgment I could place the least reliance, who attempted to find fault with that system of jurisprudence which distinguishes the court of Chancery from the other courts of civil and criminal law, and which is with us called Equity. I never recollect any one who ventured to assert, that the jurisdiction of that court could be dispensed with; and, considering

the nature of the subjects brought under its consideration, which it is called upon to be conversant with, I consider it impossible that such a court could be dispensed with, in the present state of society. If one party, for instance, enters into an agreement, the stipulations of which may be binding to a great extent, every person knows that, if we attempt to call him to a specific performance of his contract, the law affords no remedy. The relief which, in that case, must be obtained, is peculiar to a court of equity. If I have a tenant who, under the power of a lease, attempts to cut down my timber and to commit other dilapidations upon my property, what remedy have I in a court of law? There is none to be had. If I wish to obtain my object, I must call upon a court of equity to interpose, and prevent what would otherwise prove perhaps an irreparable injury to my property. I mention these instances to shew that a court of equity possesses a power of affording relief which cannot be dispensed with, and which we might seek in vain from a court of law; and I repeat the observation which I made before; namely, that I never knew an individual, who possessed any knowledge upon the subject, and whose opinion could be relied upon, who would venture to say that equity could be dispensed with, that what is called equity could be even administered by the courts of law, or that it could be obtained by any other means than a distinct and different tribunal, limited to a peculiar object. If that be so —and I can scarcely think it will be denied —then it will not be difficult, to understand the points to which our inquiries must be directed.

Before, however, I go further, I think it right to endeavour to remove a reproach which has been frequently cast upon the court of Chancery, with respect to the slowness of its operations, as compared with those of the courts of law. In one respect, the operations of the court of Chancery are impeded from the very nature of the questions which it is called upon to determine. In a court of law, there is only one issue to be tried, upon which the court may be, perhaps, able to decide almost instantly. In a court of equity, the judge who presides is called upon to determine upon many complicated questions connected with large masses of property, in the hands of various individuals, and to decide between the claims of one body of men, and another body, supporting their rights upon different interests. To take, for an illustration to the House, a familiar instance of the nature of proceedings in the court of law and the court of equity. A man sues another for a debt in a court of law. The questions to be determined are simple—the existence of the debt, and its amount, and the process is ended. Let us take an analogous case in a court of equity, and see the course of proceeding there. A man dies, perhaps insolvent, the whole mass of his creditors step in, and demand a division of his effects; but, instead of the question being determined there, as in a court of law, by one action, every individual creditor is called upon to prove his debt, and there are, consequently, as many causes to be tried as there are creditors to claim. It would be no difficult matter to enumerate many other instances in which a complexity, arising from the claims of several parties, might occur, which could only be settled in a court of equity. The interests, and the proportion of interests, which contending claimants had frequently in property, could only be adjusted in such a court. No person, therefore, I presume, supposes that equity can or ought to be dispensed with; or that it is not essentially necessary to continue and persevere in our system of jurisprudence. I yield to no man in my admiration of the simplicity of proceedings in courts of law. I have been brought up in early prejudices in favour of that simplicity; but it is in consequence of the separation of the business in the courts of law, from that which should be conducted in courts of equity, that the simplicity of the former has been preserved. It is in consequence of this just distribution, that a single judge in one year has been able to dispose of, causes during the sittings in Middlesex and Westminster, to the number of three thousand.

These preliminary observations I have deemed it necessary to make, to assist me in directing the attention of the House to the points which it appears to me most requisite that their attention should be directed. If, then, it appears obvious, that there can be no question of destroying the jurisdiction of courts of equity, nor of uniting and blending the two jurisdictions —and if it is found that individuals come forward with evidence of great delay existing in the business of these courts—to what branch of the subject must our minds

be directed with a view to a remedy? Of necessity, to the machinery, with a view to quicken its motion. And, accordingly, we find, that when the government commissioners commenced their labours, two years ago, it was to this point that their attention was directed by his majesty's government. The instructions to them were, to inquire into the practice of the court of Chancery; to ascertain whether any alteration or amendment in that practice would diminish the time and expenses usually attendant upon suits in that court. This was the inquiry directed by government; and its object was, in my opinion, a most proper and legitimate one.

Thus much, the right hon. and learned gentleman said, he felt himself called on to explain to the House, in introducing to their attention the nature of the measure founded upon the report of these commissioners. This commission was directed to persons of great learning and intelligence, and who, with the exception of two or three, whom he should afterwards mention, had spent their lives in the study and practice of equity. It was impossible that persons more fitted to the task could have been found in the country. He knew it had been said, that, although all of them were qualified, from their long acquaintance with the subject, to take a better view of it than any others, yet the prejudices of habit would prevent them from taking a just judgment on the subject. But in answer to this, he would point to his hon. and learned friend, the member for Tregony (Dr. Lushington), who, if he had any prejudices, were such as would lead his mind rather in a contrary direction; yet he found his hon. and learned friend's name signed to the report, upon the recommendation of which the bill which it was his intention to introduce, was founded. He would also point to another name (Mr. R. Smith's) in the same situation—the name of one whom he was proud to call his friend—a man of great learning, seldom voting upon his side of the House, an accomplished scholar, uncompromising in his principles, and industrious, active, and zealous in attending on the commission, day after day, in the progress of the inquiry. He found the report had the sanction of his distinguished name; and he appealed to the authority of these two names to refute the charge of bias brought against the judgment of the commissioners.

The House, then, would distinctly understand, that the bill which he should have the honour of introducing, was framed upon the propositions contained in this report; and, therefore, that in calling upon them to consent to certain alterations and amendments, in long-established practice, he was suggesting no new speculations, no visionary improvements, but the adoption of certain changes, which had been recommended, after two years deliberate inquiry, and the elaborate examination of witnesses, by persons such as he had described. This being the basis of his bill, he was sure the House would be disposed to receive it with the same approbation which they had bestowed upon the report itself. He had not, however, implicitly followed the directions of the report. It was upwards of a year since that document had been laid before the House; it related to subjects of the most intricate and complex nature; and since its first appearance, it had been submitted to the eyes of an acute, discerning, and accomplished, profession; and not, he might add, without commensurate benefit. During that period, a noble lord, a member of the other House, and also a member of the commission (lord Redesdale), but whose name did not appear to the report, had published to the world his opinions on the propositions contained in it. No one in the country was better informed upon the subject of the propositions investigated by the commission, and further, as to the details of the subject, no one was more intimately conversant; and he regretted, with all the respect that he entertained for his talents and integrity, that that noble lord had not, day by day, attended in his place as a commissioner, to inform his own mind, and the minds of his colleagues; but that he had waited, until the end of their labours, to give the public, in the form of a pamphlet, the benefit of his reasons, why the propositions of the commission ought not to be relied on. This much he had felt it his duty thus boldly to state, notwithstanding the admiration he felt for the extensive knowledge and talents of that noble and learned lord, and his general disposition to serve his country; still he had profited by one or two suggestions made against the recommendations of the commission. He would not enter into a lengthened detail of these suggestions, but confine himself to the mention of one of them. Gentlemen acquainted with the practice of

Chancery would know what he meant, when he said, that the commissioners recommended that the master's report should be final upon exceptions. Now, the voice of the profession was decidedly against the adoption of this recommendation; and he would tell the House why. Without defining the precise meaning of the term, he would state, that it not unfrequently happened, that the issue of a suit, involving property to an immense amount, depended upon the exceptions. The noble and learned lord was of opinion, —and he agreed cordially in that opinion —that the decision of no single judge ought to be final. If it were, it would be an anomaly, and contrary to the whole tenor of the jurisprudence of the country. Besides this, as there were no less than ten masters in chancery, there might be so many different rules of decision; which alone was fatal to the proposition, when it was considered, that those exceptions not unfrequently involved the decision of large property, and that nothing could be so dangerous as any thing like vagueness or uncertainty in the law with respect to property. Therefore, he had, in this respect gone against the resolutions of the commissioners. He did not, however, propose to leave the power of appeal from the master so extensive as at present, by which the appeal might be from the master, in the first instance, to the Master of the Rolls, then to the Chancellor, and then to the House of Lords. Without compromising the right of appeal, he proposed to give the individual his choice of the tribunal, but to make that tribunal final.

He was sorry to trouble the House with these details, but he had thought it right to present an example, as an instance of this kind of difference between his measure and the report of the commission. In order to render the subject intelligible to the House, he would endeavour to present an outline, the most simple possible, of the practice hitherto prevailing in the court of Chancery. It was the minuteness in filling up the picture that generally proved intricate in works of art; it frequently happening, that a general design and outline, the most striking and magnificent, were destroyed by elaborate details. There was this peculiar feature in the practice of the court of Chancery —that the party to the suit was obliged to answer on oath, and it was this part of the practice which gave to that court the power of sifting secrets, and eliciting truth, beyond the means of any other tribunal. He was aware, that delays existed in this court more than in any other, at the period, when in other courts, the cause had arrived near its termination. He alluded to the time when the cause was ripe for hearing, and set down for that purpose, the bill and answer having been regularly filed. The result of a hearing, at this stage of the business, frequently was an order to take accounts, and to enter into new details, which the court, of itself, not being able to do, necessarily referred to the master. That officer investigated the matter referred to, and made his report; whereupon the cause came on again for hearing, and finally for judgment. Nothing could be more simple than this, or better calculated for the purposes of the court. This being the course of practice, the commissioners had thought it their duty, in compliance with the instructions they had received, to follow the cause from its first process to its conclusion, in order to see if any thing could be abridged, altered, or extinguished. They had pursued this part of the inquiry in a manner that entitled them to the thanks of the country. In the spirit of this part of their inquiry, no one would accuse them of not having done enough—the only doubt upon any intelligent mind was, whether they had not done too much. With reference to that part of the cause which related to the hearing, no one, he apprehended, would go so far as to say, that it was to be accomplished within a given time, to be fixed by commissioners, or parliamentary enactment. It must be left to the discretion of the individual presiding. Here, it was obvious, upon examination, that the great impediment was, the multiplicity of business; and, accordingly, the legitimate course of inquiry for the commissioners to pursue was, whether any portion of it could be transferred to other hands. This course of investigation they had, indeed, followed up, and whether they had done enough in what they had recommended, or not, was a fair subject for discussion. They had sedulously applied their minds to the question, and had recommended the utmost they felt themselves warranted in doing. It appeared to him that they had gone far enough in their recommendations, upon this branch of the subject; and he formed his opinion from the returns on

the table of the House. When he had last addressed the House on the subject, he had said that there was no "growing" arrear of business. He admitted that there was, at that time, an arrear of two years, which had arisen from a variety of causes. One of these was the illness of sir Thomas Plomer; and the illness of the present Vice-chancellor had also contributed much towards it. He knew, however, that there had been no increase for the last four or five years; and it followed that, from the increased facilities which it was now proposed to provide, that arrear, of which they had so long heard complaints, would be speedily got rid of.

The next subject of inquiry had been the mode of conducting business in the Master's office. He was perfectly ready to admit that there was great delay in that quarter; and he believed, indeed, that the great secret of delay in the practice of chancery resolved itself into the course of proceedings before the master. He begged, however, to be distinctly understood as not imputing to the respectable individuals who filled that office the delay in question. The business, when once left to the master to make his report, was carried on in as prompt and rapid a manner as possible. The evil was, that the master had no power to give activity to the cause. He was at his post when the parties thought fit to appear before him; but he was passive in all other respects; having no adequate authority to compel the attendance of the parties. To whom, then, was the blame imputable? It was never his wish to cast a stigma upon any class of individuals; but, speaking from his experience, he must say, that the blame of delay rested with the agents of the suitors. He would state the case fairly against them, without imputing more blame than was due. The fact was, that there was scarcely a respectable solicitor in the metropolis who had not more business than he knew what to do with; so that it was only to those parts of his business to which he was obliged to attend from their urgency, that he, in reality, did properly attend to. Now, in a court of law, if the solicitor did not attend for his client at the appointed hour, he found his opponent moving for the costs of the suit; to which costs the solicitor was liable for his negligence. In the Master's office, on the contrary, if the party did not attend, he was subject to a fine of two shillings merely. Upon this view of the subject, the House would be disposed to concur in the recommendation of the commissioners to arm the master with power to give activity to the cause, by compelling attendance. How this was to be done it was not necessary then to state; the principle only was important; and if it should be found that the mode adopted did not go far enough, it would be open to the House to adopt further proceedings, with a view to the removal of this stigma upon the practice of the court.

The last stage of the cause to which he now came, was the hearing of the cause, upon the report of the master; and, up to this point, it would be found, by reference to the report, that the commissioners had, if he might use the expression, hunted the cause until they had got rid of all forms which they thought could be dispensed with. Amongst other amendments proposed by the commissioners, was one which deprived the suitor of delaying, for two years, to complete his bill, without the defendant having the power to dismiss it for want of prosecution. The commissioners had, also turned their attention to the power of amending the bill, by which the greatest mischief might be inflicted, and a suit prolonged almost interminably.

These were the kind of evils to which the bill would be found to refer. The House would now expect him to state what was the form of legislation proposed upon the one hundred and eighty-eight propositions of the commissioners, to many of which it was right the House should know, that the lord Chancellor might have given the force of law by his mere fiat — [cries of "hear" from the Opposition benches]—and many of them must have had the sanction of parliament, before they could have had that force. Some hon. gentlemen opposite had cheered, when he said that the fiat of the lord Chancellor could have given to many of these propositions the force of law; but he had to inform the House, that though the lord Chancellor might have done this, it had been considered that it would have been unwise if he had done so. It was certainly better to call in the authority of parliament for the whole. In addition to which he must beg leave to say, that these propositions had undergone a long and severe scrutiny and examination of twelve gentlemen of consideration, research, talent, and experience; and that

it was a little too much to expect that the lord Chancellor of this country, whose occupations were so numerous, and whose whole attention was necessarily taken up by the business of his office, should have stepped in and answered all the purposes of this commission himself. There had not been wanting, however, some gentlemen who could find fault with the Chancellor, because he had not done that which it had taken twelve learned gentlemen no less than two years to perform. [Here the hon. and learned gentleman paused.]

He was afraid he had gone out of the order which he proposed. He was about to state to the House the mode in which it was intended to legislate on this subject. It had been considered that there were two ways in which these propositions might be carried into effect—either by parliament authorizing the lord Chancellor to give them the effect of a law, or by parliament doing so by its own enactment. The last was, in his opinion, the better, and the more direct and rapid mode. It would, moreover, bring the whole subject before the House; and, in a committee of the whole House, they might enter into all the details—into all the minute particulars—of the subject. Any member might then have an opportunity of proposing amendments of the regulations as they now stood, or substitutions of new and better ones in the place of those to which they saw any objection. It was for these reasons that he had adopted the mode of proposing, that, from a certain fixed period, these propositions, with certain alterations and qualifications, should pass into a law; but, as the subject was so complex, that, until the propositions had been submitted to the test of experience, it was impossible to say that they would all of them be found to succeed, it was proposed, that they should thus pass into a law, reserving to the lord Chancellor, in conjunction with the Vice-chancellor, or the Master of the Rolls, the power to alter and vary them [hear, hear]. In proposing this he was not proposing any thing new. It had always been the custom not to trust wholly to the working of the machinery—not to risk any thing upon its operations, until it had been tried. An act which regarded the office of the Accountant-general, and passed in the reign of George 1st., was constructed in a similar manner. It was thought proper, in that act, to insert a clause, authorising the court to alter and to vary the regulations which it contained, where it saw occasion. He was not, therefore, acting altogether without precedent, nor, in his opinion, with the slightest impropriety. He felt anxious, he begged leave to say, for the measure of improvement—he had no partiality for the bill he had framed—he wished for the success of the object. When in the committee, he should anxiously avail himself of the suggestion of every individual; and, if possible, adopt it. He had near him gentlemen minutely acquainted with the subject, and from them he should expect assistance. Upon learned gentlemen opposite he should call, to co-operate with him, in no spirit of party, but with a sincere desire to promote the welfare of the nation. If those hon. gentlemen who had so long assailed the system of the court of Chancery were sincere—and he had no doubt that they were sincere—let them come forward and lend him their assistance; let them put their shoulders to the wheel, and endeavour to remove the errors of which they complained in the practice of that court. He saw another hon. gentleman also, one who had been a member of the committee, and whose assistance he trusted that he should also obtain. There were gentlemen around him eminently qualified for the task; and he was sure that they would not attempt to thwart or oppose him, but join heart and soul in the work, and exert their talents and ingenuity to promote the cause, for the success of which they had so frequently expressed their anxiety.

The commissioners had directed their attention to the subject of the masters of the court of Chancery, and particularly to the manner in which they were remunerated. At present it appeared that the principal part of their emoluments consisted of what was called copy-money; that was, the money paid by the parties in causes for copies of the several proceedings of the Masters' offices. These were paid for at the rate of twelve-pence per folio, or about three times as much as the usual professional charge for the same articles. Out of this practice had grown a reproach, which was, by unjust or unthinking persons, urged against the masters, that they extended the number and duration of proceedings in their offices, for the sake of the gains which they thus obtained. Nothing, he hardly need assure the House, could be more unjust than

this imputation; but, in order that there might be no colour for the censure of illiberal minds, the committee recommended that it should be altogether abolished. He was sure the House would agree with this recommendation; but when he stated that in the office of each of the masters this copy-money amounted to 1,500*l.* or 1,800*l.* a-year, and that there were ten masters, they would see how great a deficiency remained to be supplied. The services required from the masters were extremely arduous and important; it was necessary that the persons called upon to fill that office should possess great legal knowledge, and unquestionable integrity. The remuneration which they received was by no means too large; but, from what source, when the copy-money was abolished, should it be supplied? All their other fees were on the lowest possible scale. The masters were sometimes laboriously engaged for ten or fourteen days in making a report. The House would feel that such exertions should be paid for adequately; and to this end he proposed, that the fees should in future be regulated so as to bear a due proportion to the particular services which had been performed, taking care always that no more should be exacted than the masters were fairly entitled to. How, then, he repeated, was this deficiency to be supplied? His proposal was, that it should be supplied in a way which appeared to him extremely simple, and without any extraordinary application to parliament. The masters were at present paid 600*l.* a-year each, and these sums came out of a fund in the court of Chancery, and which had been accumulating for many years. The salaries of the Vice-chancellor, and the expenses of the office of the Accountant-general, were paid out of that fund. A residue was left after these payments, more than sufficient to cover the expense which would be occasioned by the change he contemplated. To this object he proposed the surplus of the fund should be applied. He hoped the House would approve of this suggestion. He was sure the masters would be pleased with it; and he was himself very anxious to free them from the shadow of a reproach, which was so unfoundedly urged against them, that they had an interest in prolonging the proceedings in their office, and that they permitted themselves to be swayed by that interest. While, however, he said this, he must take occasion to protest against the opinion which had been recently expressed, in a public manner, by the senior master of the court of Chancery (Mr. Stratford); namely, that the parliament had no right whatever to interfere in the affairs of the Masters' offices, or to alter the nature of their regulations. That learned person might, in promulgating this motion, speak his own sentiments; but certainly they were not those entertained by the body to which he belonged. The learned person insisted that the masters ought to be allowed to retire. Now, he had no objection to their retiring; but the learned gentleman wished that they should, on their retirement, retain their full emoluments—a position which could certainly not be acceded to. This learned gentleman being, as he was, the senior member of the body, ought to be aware, that no session had ever passed of late years, in which the parliament had not exercised its undoubted right of adding to the official burthens of the law and equity judges, for the service of the public, and this without any additional fee, because, in fact, it was well known that, on such terms the judges accepted their offices. He might respect the motives of the learned gentleman to whom he alluded—he might believe that he was sincere in what he said—he might admire the industry with which he had circulated his opinions—he might even respect his prejudices, be delighted with his style, and the judicious introduction of the topics he had chosen to illustrate his work; but he could not agree with him. "But," said that learned person, "I am under the necessity of discharging my duty. I have taken an oath on my entrance into office, not to see any damage done to the sovereignty of the Great Seal, and therefore I publish this to the world" [a laugh].

The committee recommended also the appointment of two additional registrars. Now, this point he had not only considered deep himself, but he had taken the opinion of several gentlemen well qualified to decide upon it, and his own idea, strengthened by theirs, was, that at present the House ought not to legislate on this point. If they did legislate, they could not avoid entailing on the country a long series of compensation, which would press heavily on the people at this moment. This part of the recommendation,

therefore, he thought ought to be suspended for the present; and, if it should appear upon trial, that the present officers were inadequate to the duties required of them, an application might be made to parliament for additional ones, as he did not wish to encumber the bill, to the success of which he looked forward with great hope, with any pecuniary clauses: he was afraid—perhaps the fear was unfounded—it would be objected, that in the attempt to effect reforms in the court of Chancery, the burthens of the people had been increased.

There was another subject of great and paramount importance connected with this subject—he meant the jurisdiction in bankruptcy cases. Feeling, as he did, how deeply it affected the interest of the commercial portion of the community, he had maturely considered it, and had consulted others upon it; and the result of his own deliberation, and that of others was, that it would not be advisable to adopt the recommendation of the commissioners as part of this bill, and that it ought not to be blended with any other matter whatever. It ought to be well and maturely considered by itself; and, if the House would go with him, he would pledge himself to bring in a separate measure, when it might have the full consideration of the House, in as deliberate a manner as it was entitled to [hear, hear]. Did the House go with him? Were they persuaded that the regulations of the court of Chancery was enough for one bill? It should be understood, that the lord Chancellor did not sit as chancellor in bankruptcy, but as keeper of the great seal, holding a special jurisdiction, delegated to him by various acts of parliament; that he did not decide upon bill and answer, but upon petitions presented to him in the way pointed out by those acts. Being, therefore, entirely separate, it was not necessary—it was not, he thought, even expedient—that on this occasion it should be included in the proposed bill; and he pledged himself if it should be allowed to pass over now, to bring it forward without delay, in such a shape as must ensure its full consideration and decision.

He had said, that he was anxious for the success of this measure: he knew that anxiety was shared by his majesty's government, who had hitherto afforded every facility to the inquiry made by the commissioners. He knew it would be said, that the commission originated in motions made on the other side of the House; but he was desirous of not looking back at what had been done, or by whom. He wished rather to see both sides of the House united to accomplish the object of the bill. If they did so, there was no difficulty that could deter them; and no considerations, personal or otherwise, ought to be allowed to interfere with that which was of vital importance to the whole community. The right hon. and learned gentleman then concluded by moving, "That leave be given to bring in a bill, for the improvement of the administration of Justice in the court of Chancery."

Mr. *M. A. Taylor* trusted the House would give him credit for having no other object in view than the public good, when he cautioned it, and particularly such members of it as had not been many years in parliament, against the measure now brought forward, and urged them to look at it with the greatest suspicion. That measure he looked upon as a mere expedient; and he thought that, while it seemed to offer some relief, its real tendency was to keep back the only effectual relief. His right hon. and learned friend, the Master of the Rolls, had very judiciously made out what appeared to be a plain and fair case, and had carefully avoided, as far as was possible, any allusion to what had been done, or attempted to be done, in that House, respecting the court of Chancery, in the course of the last twenty years. He could not agree with the view taken by his right hon. and learned friend. He knew that the repeated applications which had been made to the House were the cause of procuring at length the commission, of which he should say a few words by and by. The lord Chancellor, after refusing and neglecting, for so many years, to do anything towards the redress of the grievances which were every where complained of, could no longer prevent the appointment of the commission, which had made the famous report that had been so often alluded to by his right hon. and learned friend. He was inclined to believe that the commission had never intended to do much; and the little they had intended to do they had been frightened out of. It was impossible that any man possessing the acute mind of his right hon. and learned friend could fail to see the difficulties he

had to contend with, and to perceive that those difficulties were insurmountable, if he should enter fairly and fully into the subject. For this reason his right hon. and learned friend had put the case to the House in a very ingenious way certainly; but one to which he by no means intended to accede. He would not consent, that the question should be discussed, without a single glance back at what had been done formerly. Again, he warned gentlemen against believing that the proposed bill was calculated to do all the good that might be effected in the way of amendment in the court of Chancery, and of relief to the suitors and the community—against the hope that, by the assistance of this and the other side of the House, such amendments might be made in the committee, as would eventually prove satisfactory. He was sure that the measure would not expedite the business of the court of Chancery, and he took it to be the better, as well as the more manly, way, to state broadly and at once where the real source of the evil they complained of lay. What had the lord Chancellor done towards the reform of his court, notwithstanding the repeated applications that had been made for that purpose? A variety of expedients had been resorted to; but all of them, rather for the purpose of keeping off the reform which was sought, than of effecting it. The only good that could be expected consisted in the separation of the bankruptcy jurisdiction from the court of Chancery. He had himself repeatedly called the attention of the House to the subject of the delays in Chancery before 1811, but he had always found it impossible to gain any one point. At last he did succeed in getting a committee appointed to inquire into the causes of the delay; and he carried that question by the casting vote from the chair. Mr. Perceval was then minister, and he threw great difficulties in the way, at every step. He did not mean anything unkind to the lord Chancellor, but the truth should come out, and the truth was, that that learned lord was sitting in his room to learn whether the vote would be carried or not. Mr. Perceval did all he could, after the committee was appointed, to prevent its being of any use; and inserted as many names as possible of persons who were known to be friends of the Chancellor. He (Mr. Taylor) was so fortunate still to retain the assistance of sir Samuel Romilly, and his learned friend the member for Calne (Mr. Abercromby). The mention of the name of his learned friend reminded him that his right hon. friend, the Master of the Rolls, hoped to ensure the assistance of his learned friend, in the committee on the bill he was about to bring in. He thought he would be mistaken in that expectation, and that all his hon. friend could do would be to strike out all the words after the words "and whereas." To return, however, to the subject before the House—he could see the cloven foot sticking out here again, notwithstanding all the pains his right hon. friend had taken to disguise it. When Mr. Perceval had, at length, been obliged to grant the committee, notwithstanding all his exertions to prevent it, he (Mr. Taylor) was enabled to get at the then state of the causes in Chancery, and at the nature and effect of the appellate jurisdiction. It appeared then that twelve years would not have been sufficient to subdue the arrear of causes undetermined. In 1812, for the committee was not able to get through their task in one session, the committee was renewed, and was worse packed than before. As he had ascertained the immense and scandalous arrear of causes which existed, he was then desirous to examine into the causes by which they had been suffered to accumulate. "Oh! no," said one of the new members of the committee, who had just before been made a master in Chancery, "you are only to inquire into the amount of causes in arrear." It was in vain that he showed him the order of the House. Mr. Morris knew very little of the business, and asked in what way he proposed to get at the information he wanted? His excellent friend, sir Samuel Romilly, replied, by calling before the committee gentlemen in the profession, and asking them what was, in their opinion, the cause of that delay, the existence of which every one admitted, and every one had reason to regret. "No," said Mr. Morris again, "that would be to libel the Chancellor," and he (Mr. Taylor) was consequently left in a minority, but a minority which contained names so illustrious, that they might well reconcile him to his defeat. He then made a fresh application to the House, which was negatived; for the lord Chanlor said, he would not suffer it to be carried, and that if it should be agreed to, he could no longer be Chancellor. There

could be no doubt of this fact, because the Chancellor had told him so himself. Under these circumstances, he was of course obliged to abandon his purpose. But did his right hon. and learned friend think that he was likely to forget these transactions, or that he would not apprize the House whenever he saw the cloven foot again sticking out? Then, a few years afterwards, or rather in the very next year, the Chancellor proposed in the other House of Parliament, the expedient of a Vice-chancellor; that was, that he would have another gentleman to do his business. That proposition came down to this House; and then he proposed that a committee should be appointed to inquire into the statute of the reign of Queen Elizabeth, and those which followed it, by which the power of the Chancellor in bankruptcy had been delegated to him. On proposing this amendment, he had the honour of being supported by a right hon. member, whose absence he could assure his right hon. friend, nobody could deplore more sincerely than he did, and who had told him that if he divided the House he would support him. In this he had failed; but he then gave a pledge which he never meant to forfeit, that he would bring forward the subject every session, and at every opportunity when it could be started. In pursuance of this intention, he meant to move for a return of the arrears of business, showing what cases had been heard by the lord Chancellor, and what remained undecided, with the number of appeals, and the length of time they had remained undecided. It was by such inquiries only, that the House could be enabled to do justice; and it was in vain to attempt to smooth over, by elegant orations, or by attributing to the Chancellor all the virtue and talent in the world, the injustice which had been constantly, and for so many years, inflicted on the suitors. If this would not do, some other measure must be tried. When the Vice-chancellor's bill was proposed, he (Mr. Taylor) said it would not do, and it proved that he was right; for the lord Chancellor himself, a few years afterwards, in the House of Lords, confessed that it would not do, and asked to have a Deputy-Speaker appointed. That excellent individual, lord Gifford, whose death they all lamented, was appointed, and did get rid of the Scotch appeals. The Chancellor sat two days in the week, and the Master of the Rolls three; but had this arrangement got the court on? He believed, if it was looked into, that it would be found the lord Chancellor had hardly tried and disposed of a cause in a term. Then the Chancellor said, he had too much business; he had tried two experiments, and both had failed. For how many years, and particularly for the two last, had this state of things continued. And was it not to the discredit of the government to permit the longer continuance of a court like this, without attempting that striking feature of reform which his right hon. friend had omitted? Had he happened to have been in the House when an hon. and learned friend of his (Mr. J. Williams) made and carried his motion, he would have proposed, that the subject of bankruptcy should have been specifically included. The loss of that friend, in that House, he sincerely regretted, as it forced him to work double tides, because he was determined not to relinquish his object, nor to follow the counsel of his right hon. friend, the Master of the Rolls. He would tell his right hon. friend why the lord Chancellor would not touch the bankruptcy. When in the reign of Queen Elizabeth, the jurisdiction in bankruptcy had been taken from the commissioners of the Treasury, and transferred to the great seal, it was for the purpose of relieving the former tribunal. Why, then, could not the same course be again pursued; and, if the great seal was overburthened, why could not this jurisdiction be transferred elsewhere? Why, because it was the most profitable. If it had not been so, it would have gone long ago. He stated this decidedly and plainly; because this was no time for affecting to conceal that which every one knew. Let any one look over the evidence as he had done, and they would see that this was decidedly the opinion of the members of the profession. Of the constitution of that committee, he had little to say. The Chancellor was a difficult person to deal with. He held in his hands all the patronage in the law, and a great deal of the patronage in other quarters. He was not only a clever, but an agreeable man. He sat by, and without taking any active part in the business of the commission, said, occasionally, "Gentlemen, that is my wish." The Attorney-general opposite seemed to doubt this, but he could assure him it was so, and that he was

himself one of the persons taken in by it. Here was the cloven foot again [a laugh]. He did not mean this unkindly, and he was glad that any thing could vary the dryness of the debate; which was, indeed, so disagreeable, that nothing but a sense of public duty could have induced him to take it up. The object of this commission was to conceal the real state of the court, and to prevent the reform which was sought for; and so he had told the Chancellor in correspondence. If the learned lord did not choose to effect this reform, and threatened to go out, although he had great respect for his talent, he was satisfied that any plain, intelligent, honest man, with only a third part of his talent, would be able to get rid of all the business before him. The measure of his right hon. and learned friend reminded him of a ludicrous circumstance which happened when he was first in parliament. He was then member for Poole, in Dorsetshire. Mr. Palmer's scheme for the mail-coaches had just been started, and his constituents were desirous to avail themselves of the benefit of it, by which they would gain four hours in the despatch of their letters. One of the persons, engaged in the old system remonstrated against this, and pointed out to him, that by putting a boy forward with a horse, in certain parts of the line of road, he would save half an hour. So his right hon. friend intended, by his bill, to keep parties in Chancery only fifty, instead of sixty years, as they were at present. Now, he would tell his right hon. friend why he would have nothing to do with the proposition respecting bankruptcy. It was, because he found it so foolish and absurd that he was glad to get rid of it. The report suggested, that in addition to the present expensive system, there should be ten more commissioners; and that the patronage of these places should be added to those which the Chancellor at present held. Three parts of the bar were of opinion, that the court of Chancery could not go on without a separation of the jurisdictions. Mr. Cooke, Mr. Shadwell, and other persons had told the commissioners plainly, that to take away the bankruptcy jurisdiction was the only effectual relief that they could give. The Chief Baron went further, and said, he had no doubt a man would readily be found to preside over such separate jurisdiction, who by his intelligence and decision would soon gain the confidence of the public. But was it doubted that, in the nineteenth century, a sufficient number of men could be found to fill such an office? The learned lord who now presided in the court of Chancery, must, in the course of nature, soon depart this life; and was it supposed that all virtue, all law, all talent, were to die with him? He would not so libel the bar, nor many men with whom he was in habits of intimacy, by doubting that they were as well qualified as the learned lord. There were persons in the profession of the law fit to hold any rank or fill any high station, and in whom the public placed as perfect confidence as they ever had done in the lord Chancellor. But if gentlemen on the other side of the House were suspicious of the talents or integrity of those who voted with them, let them turn an eye to his side, and they would find persons amply qualified for such an office [hear! hear! and a laugh]. He had no objection to the bill; but in saying this, he wished it to be understood, that he by no means pledged himself to any part of it, but again he cautioned the House against the inefficiency of it. The objections which he had now made to the bill were not brought forward vexatiously, but for the purpose of rousing the country to the importance of the subject. He called upon gentlemen of landed property, and on the commercial part of the state, to protect their interests. No man knew how soon he might be dragged into the court of Chancery, and no man knew whether, being once in, he should escape with his life. The complaints against that court were universal; and it must be always remembered, that there was not one of the evils which the lord Chancellor might not, if he had chosen, long ago have himself remedied. Three parts of the time of the court were occupied with bankruptcy causes. The daily papers, and every man's own personal knowledge, must convince him of the inadequate portion of time which was devoted to equity business. One solicitor had told him, that his cause had been put down twenty times without coming on: another, after having two causes, at considerable expense, on the paper for five years, prevailed upon the parties to refer them, and got the business settled in one month. A third obtained a decree against a gentleman for 23,500*l.*, who threatened to

appeal, unless his adversaries would take 20,000*l*; which they were glad to do, to avoid the expense and delay of a protracted litigation.—He hoped he should have the opinion of the House and the country with him; and in this hope he should, session after session, and week after week, if it were necessary, force this subject on the attention of the government. The hon. member then referred to the evidence of Mr. Bickersteth, the barrister, whose examination would be found in page 217 of the Chancery Report. That gentleman had before told the commissioners the real state of the court of Chancery, and his opinion of the remedies which should be applied for the better administration of its powers. The following question was then put to him: "What are the consequences of the great delays which now take place in the court of Chancery?" What was the learned gentleman's answer? "Oh, I can scarcely answer so general a question, nor have I personally seen much of the distress and agony of mind which must arise from delays in the administration of justice; those who are in direct communication with the parties may give more accurate information. What is obvious is, that many parties die after years of litigation, but before their rights are established; and that many suits end in compromises, by which some parties obtain advantages to which they are not entitled, whilst others sacrifice advantages to which they are entitled in order to prevent the loss of the whole costs. Cases have occurred within my own knowledge in which the whole property sought to be administered in Chancery has proved insufficient to pay the costs of the suit, and in which the last question discussed in that cause has been, as to how the deficient fund was to be apportioned amongst the different solicitors in part payment of their respective bills." This was the evidence of a man of practical information on the subject of Chancery practice. Yet, with this evidence before him—for his right hon. and learned friend must have read it—he wished to get rid of the ungrateful subject, and to remedy the greatest and heaviest curse of the country, by the introduction of his tinsel bill, and the House was told, if that measure proved ineffectual, that some other would be tried. How many years, then, had this country waited—and how many more years were we destined to wait—for a reformation of Chancery abuses? And, after all, when the promised period arrived, were we to be lulled by the assurance that if the plan proposed should prove ineffectual, we were to have another trial. It was proposed to create another office, and it was also proposed to create another vice-chancellor, who was to be attached to the court of Exchequer. If, however, we were to have these changes, why not strike at the root of the evil, and cut away, at one blow, the growing mischief of Chancery abuses? Let any one compare the business of Chancery in the time of lord Hardwicke, with what it was at present under the administration of lord Eldon. It would be said that lord Hardwicke, although he might have had as many bills to dispose of, had not so many motions brought before him. But, he firmly believed that lord Eldon had less motions to decide than his noble and learned predecessor. If his majesty's ministers succeeded in getting the bill passed which was that night, for the first time, proposed to the House, he hoped that, although that bill would, he was certain, fail of producing all the good it was intended to do, the inquiry which was now on foot would not stop where it was; but that the real cause of the mal-administration of the affairs of Chancery would be sifted to the bottom, and that such speedy and effectual remedies would be applied as would best correct the evil. He had now to crave pardon of the House for intruding himself so long on their attention, and to thank them for the patience with which he was indulged.—The hon. member sat down, and was warmly cheered.

Mr. *D. W. Harvey* said, it was not his intention to address the House at any length upon the important subject which was now under discussion. He did not mean to reply to the arguments of the right hon. and learned gentleman who opened the debate, and to combat the opinions which he had expressed. But as the right hon. and learned gentleman had called upon the learned and unlearned part of the House to give their sanction to his measures, if they agreed in their propriety, or to oppose them if they disapproved, he felt himself bound to accept the challenge, and to withhold his support to the motion of the right hon. and learned gentleman. In the outset of the right hon. gentleman's remarks, he had

said that there were some persons who stated that a court of equity could be dispensed with altogether; but although he was not prepared to maintain that argument—because he conceived that the jurisdiction of such a court was requisite to guard and control various descriptions of property, besides the performance of other important functions—still he would hazard thus much, that it were far better if no court of Chancery existed—assuming, as it did, all the property of the country—dealing with it, as it did, and usurping the best principles of the common law—than that it should exist burthened with such abuses. The peculiar province of a court of equity should be, to soften down the harshness of the common law, and mitigate the asperities of the statutes. It was the province of such a court to interpose whenever the common law exerted an undue and arbitrary rigour over the property of the subject; and therefore it was the more necessary that such a tribunal should be purely constituted, and free from the odium of abuse. And what had been done to purify the court of Chancery? He was sure that there was no individual who had looked at the bulky and voluminous report now upon the table of the House, but must feel deeply disappointed; because, whoever weighed the suggestions of the commissioners appointed to that inquiry, must come to the conclusion, that little or no advantage could arise from those suggestions. In reviewing the abuses of the Chancery system, two simple questions presented themselves; first, as to the delays that occurred in the prosecution of suits, and secondly, as to the expenses inseparable from those suits. Now, he put it to the House, was there one efficient and intelligible plan among the one hundred and eighty-eight propositions contained in the Chancery report, by which those evils could be remedied? In what way, he would ask, could economy be effected, with reference to those propositions? A saving of 2*s*. was proposed to be made on all warrants, by regulating their issue from the Master's office; and it was next proposed, that in all copies a saving of 8*d*. per folio might be made, by which means 1,700*l*. or 1,800*l*. a year would be saved from the allowance of the masters' salary. Take the allowance of each master in round numbers, at 2,000*l*. a year. There were ten masters, and according to that computation there would be a saving of 20,000*l*. a year, added to which there would be the 2*s*. saved on the diminution of summonses; and those were the only benefits, on the score of economy, that the right hon. and learned gentleman proposed. But then the question was suggested, how were these ten masters to be compensated for their pecuniary loss? Why, this 20,000*l*. a year was to be supplied from a fund, the application of which was for public purposes. Presuming that these ten masters should be compensated, the right hon. and learned gentleman had not suggested any mode to make that measure economical. Why should not that 20,000*l*. a year be taken from that overgrown and enormous fund, out of which the commissioners of bankrupts were paid? It appeared that there were no less than seventy of those bankrupt commissioners, whose salaries amounted to 35,000*l*. a year,—a sum which was paid for no other purpose than that of administering, not justice, but injustice, and perpetuating the most injurious, corrupt, and degraded, system that ever burthened an unhappy country. It was fit, the right hon. and learned gentleman observed, that the masters in Chancery should no longer draw their salaries from such an unseemly fund. But he was sure that if the right hon. Secretary opposite, whose exertions to amend the criminal laws had earned for him the applause of the country, would walk into the court adjoining Guildhall, and see how the commissioners of bankrupts were paid—if he could witness the disgraceful scenes of quarrelling, haggling, and contention, between those commissioners and the solicitors who tendered their one-pound notes, he was sure that a scene so indecent and improper would call for the right hon. gentleman's immediate interposition. If, therefore, there ever was a sincere wish to purge the Chancery system of its gross abuses, the re-construction of that part of it allotted to bankruptcy business should have been first thought of. It was ridiculous that young men of comparatively no experience in the law, or old men unfit for any business at all, should be commissioners of bankrupts, with salaries of 500*l*. a year each. Yet so it was; and what with the inexperience of youth, and the stultification of age, the House would judge what efficient men those commissioners of bankrupts were! [hear, hear]. How

much better, he conceived, would the bankruptcy business be managed, if, instead of seventy useless pensioners, five judges were appointed with a salary of 400*l.* or 500*l.* a year to each. If some such plan were adopted, the number of appeals to the lord Chancellor would be sensibly diminished. And now, he would ask, had the Chancery committee been sitting for the space of two years without effecting one measure of practical utility? That committee had never taken any decided step to inquire into the cause of the abuses on which they were called upon to report. They never suggested one plan, with a view to a sober effectual reform. The object of a Chancery suit was the same as that of a suit at law; and if any thing arose, either in law or equity, to retard or prevent a final judgment, it was a positive evil for which a strong remedy was required. The hon. member, in alluding to the suggestions of the Chancery committee to render the facilities of prosecuting a suit in equity more easy, observed that such facilities, however desirable they might be in one point of view, might, nevertheless, be conducive of mischief. It would be like pressing men to advance to a door in case of fire: every one would rush forward at the same moment, yet nobody could get out. What suitors in Chancery wanted was, an early decision of their cases; and he would venture to affirm, that those who had suits in Chancery would sooner give a sum of money at once, to obtain a decision, than await the issue at a less expense. Care should be taken, on the other hand, not to suffer them to be pressed too much by the flood of expedition; because, in that case, you might paralyze the energies of the head of the Court, and render him more incapable than ever of deciding. He did not mean to fall into the error which had been attributed by the right hon. and learned gentleman to members at that side of the House. He would not join in the general line of observation, that the fault of the delay was to be attributed to the personal defects of the learned lord who filled the judicial seat in that court. He did not mean to panegyrize that noble personage; indeed, any panegyric which could be pronounced by an individual in his station could be no gratification to the learned lord. But he must say that, take him all in all, he did not think it would be easy to find a judge who would dispose of the business of the court with so much strength and solidity of judgment as the present lord Chancellor. There might be a tardiness and a hesitation about details, but any delay thus occasioned was amply rewarded by the soundness and solidity of the judgment when pronounced. There was one great claimant, whose call we must all one day obey. And would it be argued that, when that summons was issued to the lord Chancellor, there would immediately be an end to all the vexatious and ruinous delays of the court of Chancery? could any man believe that such would be the result? Could any man believe that the right hon. and learned gentleman who brought forward this measure, with a combination of simplicity and eloquence, would be able to put an end to the fatal pauses in equity proceedings? He could not persuade himself that such would be the result. The only remedy was, to disburthen the present, or any future, Chancellor of the immense mass of business with which he was overwhelmed. It was useless to argue, as some had done, that there was no occasion for a court of Chancery in this country. While we had a wealthy aristocracy, and as long as wills, deeds, and settlements, were making daily, involving sums of money to an enormous amount, the existence of a controlling power was necessary, and that power was best exerted by a court of equity; provided it were properly constituted. Not only had the court of Chancery power and capacities peculiar to itself, but it involved questions of common law also. There was in the report one suggestion, which he considered the most valuable contained in it; namely, that sooner or later the government must take into their hands the question of the present state of real property in this country. If this question were simplified, one of the most formidable impediments to the regular and easy execution of the business of the court of Chancery would be removed. But the Chancellor was encumbered not only with this but with other judicial arrangements —cases of lunacy, the rights of married women, and, though last not least, the protection and management of idiots. All these matters were incessantly pressing upon his lordship's mind; and he would call upon the House to consider how it was possible for any single individual, however gifted, to retain the different argu-

ments and facts urged in the discussion of such a variety of subjects? In order to form some opinion upon this subject, let any hon. member consider the difficulty he would have in endeavouring to keep in his recollection the different arguments urged in that House in support of any one question, and let him from that comparison judge of the difficulty of any man's carrying in his recollection the speeches and arguments urged by dozens of learned and eloquent counsel, upon a variety of grave and intricate cases. It was really impossible that any mind, however powerfully constructed, could grapple with such difficulties, or retain a clear and detailed account of the facts and bearings of the different cases. The noble and learned lord had, it was true, one quality, and it was one which fitted him, in a certain degree, for this part of his duties. He possessed that pan-tile kind of mind, which allowed the arguments of counsel to fall upon it, and drop from thence to the ground, without making the slightest impression. They had heard much about the ability, the talents, and the other excellent qualities of the present lord Chancellor. They had heard, too, of the delays complained of in the various departments over which the learned lord presided, ascribed to one cause and to the other—in a word, to every body but his lordship himself. But he would ask was it possible to expect that his lordship would consent to the slightest alteration which went to deprive him of the emoluments which he derived under the great seal? It was idle to suppose that any such remedy would be admitted. Indeed, any body who knew the learned lord must feel convinced that he would never rest satisfied with the pitiful pittance that would remain to him after the bankruptcy cases were removed from his jurisdiction. This was his decided conviction upon these points. Was it at all likely that the Chancellor would give up the 15*l.* or the 20*l.* which each bankruptcy case produced him? He firmly believed that the Chancellor derived not less than 20,000*l.* a-year from the bankruptcy cases alone [a cry of "No!" from the ministerial benches]. He contended that such was the fact; and further, that it was the great cause of the evils complained of. It might be urged, that this was not the period for making the proposed alterations. If that could be satisfactorily proved, then he should readily acquiesce in the postponement. But in the mean time he must impress upon the right hon. gentleman that there could be no permanent remedy of the evils complained of, without distributing the enormous mass of business now devolving upon the lord Chancellor alone. He understood that one of the proposed alterations was, to add a Vice-chancellor to the court of Exchequer. What, he asked, would be the extent of this remedy? They had already four barons of the Exchequer, and what duty did they perform? Let them look at the court of King's-bench, in which the chief justice alone disposed of three thousand cases in the course of the year, while the four barons of the Exchequer had scarcely anything to do; and the court itself only afforded situations for the old women of the profession, who, amongst them, did not get through one-fifth of the business performed by a single judge in the court of King's-bench. It was not his intention to trouble the House much longer, but he must suggest, as there were twelve masters, of whom the right hon. the Master of the Rolls was the head, it would be advisable, that all appeals from these masters should be to the supreme master; and that, in cases of bankruptcy, the appeals should be first to the Vice-chancellor, and ultimately that the lord Chancellor should have an appellant jurisdiction, he having no previous interference in the cases. He protested against the mode of alteration now proposed to be adopted. It had been said, and it was a lamentable state of things if true, that all alterations of the law were merely experiments which required trial, in order to ascertain how they would work; so that a bill must be brought in as an experiment, another to amend that bill, and thus the most obvious improvements must be led on step by step, and the most beneficial alteration might take some fifty years of gradual progression before it could be fully accomplished.

Mr. *George Bankes* assured the House, that the lord Chancellor, instead of having 15*l.* or 20*l.* upon each bankrupt commission, had no more than 1*l.* 2*s.*; and that his income from that branch of his duties brought him, not 15,000*l.* or 20,000*l.*, but from 3,000*l.* to 5,000*l.* a-year at the utmost. He denied altogether that there was any disposition on the part of the commissioners of bankrupts, to delay proceedings with a view to personal advan-

tages. He knew not how far the hon. member's charge with respect to the appointments to those offices meant to extend, or whether it was meant to include him amongst those who were too young, or those who were too old, to fill such appointments [a laugh]. This, however, he could assure the hon. member, that the greater part of the appointments within his recollection, had been of persons about his own age.

Mr. *John Smith* said, that he rose with considerable reluctance upon a question of this nature; as it might be readily imagined that a man of his pursuits in life was not qualified to enter into a discussion upon it. It did so happen, however, that he had turned his mind to the subject, and had devoted considerable time and attention to it.—In 1818, when he was chairman of a committee appointed to inquire into the Bankrupt-laws, Mr. Cullen, a commissioner of bankrupts, and a gentleman of great abilities and learning, had stated that "the Commissioners of Bankrupts were the worst constituted court of Judges to be found in the land: that they were divided into lists, who were separated from, and had no communication with, each other: that there was no uniformity in their decisions, no guide by which they could act upon any fixed principle; so that one list was constantly in the habit of acting in direct opposition to another: that every question brought before them was argued upon first principles: and that in their decisions they were all supreme." The hon. member, after making some observations on the way in which commissioners of bankrupts were paid, said, he had no wish to deprive the commissioners of all their emoluments, but he had a strong wish to see a code of law formed with regard to bankruptcy, on which the country could depend with as much certainty as it could on its law with regard to any other subject. Instead of seventy commissioners let there be six;—let them receive a handsome remuneration for the services they may have to perform, and then private individuals would know what they were about, when they had any thing to do with matters of bankruptcy. He alluded to some recent decisions of the commissioners, which had created great surprise in the commercial world; and said, that such was the uncertainty prevailing in all questions of bankruptcy, that creditors daily acceded to the most disadvantageous compromise, rather than run the risk of losing every thing by suing out a commission. He thanked his hon. friend the member for Durham, for the great exertions which he had made to obtain a reform in the court of Chancery, and trusted that the success with which they had been attended, would induce him to continue them. He would not, however, join his hon. friend in the reflections which he had cast upon lord Eldon. He was of opinion that no man in England had so much to do as that learned lord, and that no man succeeded in doing so much. Indeed, it was his belief that to do more was not in the power of man, and would require super-human abilities. It would therefore not only be a benefit to the public, but a relief to the lord Chancellor, to have the bankruptcy jurisdiction separated from the court of Chancery. He hoped that the learned and right hon. gentleman would reflect on the inconveniences occasioned by the existence of seventy commissioners, and would entirely alter that part of the system of bankruptcy. Whilst upon this subject, he would just mention a circumstance connected with it. There was one list of commissioners which, it was said, had committed more bankrupts to prison than all the other lists put together. Now in that list was a gentleman whom he had the honour of knowing, and who he was sure would take no step which he did not feel justified in his conscience in taking. He thought that if other commissioners had acted with equal firmness in the discharge of their functions, the community would have been much benefitted by it. He had no doubt that if the commissioners were armed with sufficient powers, and the law, with regard to commitment of bankrupts equivocating in their answers, was rendered more clear than it was at present, the power of commitment would be exercised more frequently, and would thus create a great reform in bankruptcy cases altogether.

Mr. *Brougham* rose. He commenced his address in so low a tone of voice as to be almost inaudible in the gallery. He said, he could not behold without deep regret the probable termination of this discussion, without any part being taken in it, either by any member of the legal profession, or by any member of the commission, whose recommendations had given rise to it; for, independently of the topics which

had been discussed by the learned and right hon. gentleman, and of the points of interest which had been introduced, both now and at other times, to the notice of the House, as emanating out of the report of that commission, there was much that called for explanation, and also for answer—if, indeed, answer could be given—in the luminous speeches which had been made in reply to the statement of the learned and right hon. gentleman. In that observation he alluded not only to the speech of the hon. member for Colchester, but also to the speech of his hon. and learned friend the member for Durham, who, in these inquiries, had the singular merit—which he rejoiced that both sides of the House now seemed willing to acknowledge—of having originated them, and of having struggled, at all times manfully and at last successfully, to give them effect, and who had also the satisfaction—on which he congratulated him—of having lived, unlike many projectors of great and salutary reforms, to witness his efforts, not yet crowned with the success which they deserved, but still in a train which gave him a fair prospect of seeing them brought to a prosperous termination—provided the House did its duty in standing by his hon. and learned friend as firmly at the close as it had done at the commencement of his labours.

He, for one, agreed heartily with the observation of his hon. and learned friend, that the time was come for their again repeating their regret, that the course had not been pursued which had been suggested by his hon. and learned friend the late member for Lincoln, now for a season, and he hoped only for a short season, excluded from a seat in that House—he meant the appointment of a committee of that House to inquire into the abuses of the court of Chancery, instead of the appointment of a commission out of it to supersede all inquiry. A commission, however, had sat, and reported; and three years had now elapsed, during which, the House had had time to consider of the result of its inquiries, and it now stood, he would not say in the same position which it occupied before his hon. and learned friend, the member for Lincoln, made his motion—for it had cleared away, or was going to clear away, some of the smaller rubbish which impeded the progress of those who had to work their toilsome path through the court of Chancery:—but, as far as any thing effectual was either contemplated or performed, as far as any measure of real relief was to be granted, as far as the commission had devised any mode of applying a remedy to a mischief so enormous that he would not fatigue the attention of the House by giving it, for the hundredth time, the epithets which it deserved, and the expressions which it had extorted, from lawyers and from laymen, from suitors and from spectators, fortunately for themselves exempted from the sufferings which it was their lot to witness, as far as the evil was affected, which had been so long suffered to exist as a contamination to, and mockery of, the pure administration of justice, the House was still at the very commencement of its labours. Inquiry had been instituted—but no progress had been made: investigation had been gone through—but no result had appeared. We had groped about in the dark for the tedious space of two long years, and at the end of a third year were beginning to consider whether, after all our groping, any light had broken in upon us; but, as to any thing that had either been done, or proposed, or brought before the notice of the House, or of the people, who had been so long mocked by the present system, and who would soon be insulted if they submitted to be mocked by it any longer, no progress whatever had been made, and the country was now, in 1827, almost in the very same position in which it was at the commencement of 1824. And where was the man who had a right to complain of being surprised at a result at once so lamentable and so ludicrous? Where was the man so thoughtless as to say, "I know the pains which have been taken, and am therefore astounded that nothing has been done?" Why, the whole country was forewarned on the subject. Every man who had ears to hear was reminded, that nothing to redress the evils of the present system either could or would be done by a commission so constituted, emanating from such a quarter, and actuated by such a spirit; nay, the very object of it was not concealed by ministers, for he recollected that a smile played upon their lips, and flickered on their faces, when his hon. and learned friend, the member for Lincoln, told the House, that such a commission could be formed with no other view than that of frustrating inquiry; and defied the ministers — aye,

even the gravest among them—and he believed that his hon. and learned friend defied even the gravest among his majesty's chaplains, to preserve their countenances, whilst they informed the House, that a commission, formed as the Chancery commission was formed, was intended to make a real and searching investigation.

Let the House recollect the manner in which that commission was composed. At the head of it was the learned lord, whose conduct was to be inquired into, from whom it emanated, and into whose proceedings it was to make inquisition; and the principal question for its decision being, "is the delay of which every body complains, are the costs which grind to dust all who have concern with them, is the denial of justice, which converts the court of Chancery into a nuisance which ought to be abated, are those expenses, which all must suffer before they can obtain a hearing and judgment, the fault of the individual who administers the system, or of the system which he is bound to administer?"—the principal question being, he repeated, of such a nature, the noble and learned lord was appointed to preside over those who had to inquire into his own conduct. To whom, then, was the fault attributable when such a commission proved unproductive of any good effect? He had been told, however, that the noble and learned lord had never taken the chair at any of the meetings of the commissioners. It might be so; but then, who did take the chair? The lord Chancellor's deputy, the Vice-chancellor, or in his absence the then Master of the Rolls—an individual whom the noble and learned lord had promoted from the ranks of the profession, to assist him in his judicial labours in his own court, and to make up his deficiencies in another court, in which, by some fatality of his nature, he must sit, in order that he might attempt to perform more various duties than it was in the power of man to perform, and might perform them all inadequately. Who, too, he would ask, were the other members of that commission? Masters in chancery, and others into the abuses of whose office it was one of the duties of that very commission to inquire. To these were added a few gentlemen unconnected with office, and yet unsprinkled with the dew of ministerial favour, among whom were his hon. and learned friend, the member for Ilchester, and the late member for Lincoln (Mr. R. Smith). These, he believed, were the only two members, unconnected with the noble lord at the head of the court, whose proceedings were at issue; but what could two do amongst so many? Had they been two angels and not two men, who were sent into that den of chancery, among chancellor's judges, and chancellor's masters, and chancellor's commissioners of bankruptcy, and chancellor's elèves—all looking up to his lordship for further promotion, and all having a right to expect it from their past promotion—what could they hope to effect by their most strenuous exertions? Gentlemen might speak of his two hon. and learned friends in the most flattering terms,—and it would be scarcely possible for any man to speak more favourably of them than he thought—still he would say, that it was impossible for them to make any effectual resistance against the tide into the very midst of which they were plunged. The House was well aware how matters went on, under such circumstances. It was not by the noble and learned lord's going down to the commissioners and professing, whilst he tore his venerable locks, and deluged with salt tears his aged cheeks, that he was a desolate and injured old man, and that he was distressed beyond measure as to what would become of his poor family, if he should only leave to it a million and a half plus his good name. It was not by making of speeches at their board, and then by counting of noses among the committee, that he contrived to wheedle from them golden opinions; but it was by appearing seldom at their deliberations. O! no. The noble and learned lord well knew that the seldomer he appeared, the better it was for himself and for his views—it was by not prostituting his influence among them, by frequently displaying it, —it was by not courting divisions against him on paltry questions, which might perhaps have accustomed his colleagues to oppose him upon important ones which he had much at heart, and then to defeat him, when his efforts were made not only for glory but also for victory. The learned lord was too skilful a tactician to commit any of the blunders into which spirits less acute might accidentally fall. He had not passed fifty years of his life amid the intrigues of cabinets, the turmoils of the senate, the conflicts of the forum, and the consultations and tricks and tacks of the

profession of law—for which he (Mr. Brougham) had considerable veneration, as he knew a little about them—he had not passed fifty years of his life in a profession in which men were accustomed to consider closely the interests of their clients, and sometimes, peradventure, their own interests, to commit any of those blunders into which weak and inexperienced men might be hurried: and short of his committing any of those blunders, there was little danger of his being frustrated in his purpose of checking and stifling inquiry. No. He, the noble and learned lord, attended the commission, endowed with all the graces of a complete courtier, with the most entire and unbroken good humour, with all the fascination of manner which his experience had taught him to ingraft upon a naturally affable temper, with all the weight which invariably attends a man of influence in a learned profession, with a great reputation for profound research in the laws of his country, with a name already associated with its legal history—the noble and learned lord, rich in all these accomplishments, came down to the commission, clothed in smiles and courtesies, and laying aside the authority which he had a right to assume, endeavoured to mislead those whom he had no right to attempt to influence. The noble and learned lord eventually succeeded in his endeavours: he prevailed, as the House well knew, over the hopes of some, the fears of others, and the good-nature of all, until the inquiry, dwindling away step by step, was paralyzed as to its power, and neutralized in its result. He believed, that if there had been any one member of that commission of inquiry who had not been so far seduced by the fascinations of the noble lord, of which he had been just speaking—[a laugh on the ministerial benches] in describing the fascinations of the noble lord, he merely meant to show the House, how they would act upon those whom the noble lord might think required seduction, not upon those who required no seduction, such as the judges in Chancery and the masters in Chancery, individuals whom he believed to be attached to the man, but who might be attached to the system; or who, like the person in the fable, placed at a mean distance between two equal powers of attraction, neither of which could prevail, might be so equally divided between their attachment to the man, and their attachment to the system as to be unwilling to blame either. His learned friends, the late members for Ilchester and Lincoln, were not exactly in that situation, but the other members of the commission looked all one way, saw with the same pair of eyes, and those the eyes of John Lord Eldon.

Having made these observations on the manner in which the commission was constituted, and in which its inquiries were conducted, he would next call the attention of the House to the situation in which it then stood. Out of the labours of the commission had arisen a mass of propositions, of which it had been said, and said justly, that nine out of ten related to mere details of practice in the court of Chancery, and might have been carried into effect by an order of the lord Chancellor, without coming down for a bill to parliament; whilst such of them as would have required an act of parliament to give them force and efficacy had been abandoned entirely, and without remorse—he meant the propositions for taking away the appeal from the masters, and for altering the jurisdiction of bankruptcy. His right hon. and learned friend had endeavoured to parry the objection which he foresaw would be made against his mode of proceeding in this instance, by observing, that some of the alterations in detail in the practice of the court could not be effected by an order at all, but must be effected by a statute; and that others of them, which could be effected by an order, were so closely interwoven with those which must be effected by a statute, that it was in vain either to make the orders without the statute, or the statute without the orders. He could have wished that his right hon. and learned friend had given the House a specimen of what he meant by that declaration. His speech had been, in many respects, a most able speech, abounding in illustrations couched in plain and forcible language, giving an explanation of all the stages in a suit in Chancery, from its commencement to its conclusion—of which he might remark, by the way, that no man ever heard except in a speech [a laugh]—but filled with examples which were clearly superfluous, as the points were quite intelligible, that they were used to illustrate, and devoid of every thing in the shape of information which the House and the country desiderated in common. The proposition which his right hon. and

learned friend now offered to the House, was to do every thing by bill, and then to give to the lord Chancellor a power of suspending or dispensing with that bill. Let the House look a little to the consistency of his right hon. and learned friend's argument. The grounds upon which his right hon. and learned friend had vindicated the noble lord's conduct, in not making these necessary reforms by order in his court, were, that he had not time to take them into consideration. Suppose the bill were to pass, would he have more time for that object? No such thing; but he would just have time to issue a short order to this effect—"I do not like these alterations and orders; let them therefore be suspended." The Chancellor then was to be invested with a power to suspend or dispense with the solemn enactments of the legislature. Would the House, he would ask, be exercising its legislative functions properly if it gave to the noble lord such a power? Would parliament, after waiting two years for the deliberations of the commission, founded upon the most solemn investigation, consent to treat the country in so shamefully negligent a manner? The propositions which his right hon. and learned friend had submitted to the House had been prepared, after grave and serious reflection, by men of great learning and industry—men whose learning and diligence had been that evening praised up to the very echo, as if none but they were either learned or diligent; and yet, though such was the case, though they were to meet the approbation of that House, of the house of peers, and of the sovereign himself, they were not to be declared by the paramount authority of those three great branches of the constitution, as fit reforms for the crying abuses of the courts of equity. "The propositions may be very good," say the hon. gentlemen opposite, "but we dare not accede to them unconditionally; for there is a power behind the throne greater than the throne itself—lord Eldon is not sufficiently acquainted with them. His time is already sufficiently engaged; he may be angry that we give him more to do; we must therefore pacify his temper, and mitigate his wrath: we must yield to him, or we shall lose his support; and we must not legislate without leaving him a controlling power over us."

He begged leave to say, that with all the contempt which his right hon. and learned friend had showered, deservedly showered, upon the senior master in Chancery, who had written in vindication of the sovereignty of the Great Seal, he had still taken a leaf out of that learned master's book. For he had himself talked of the accroachments, to use a legal phrase, which the one hundred and eighty eight propositions made on the sovereignty of that seal, and had absolutely given to the sovereign, who held it, that which the sovereign of the country did not enjoy—a dispensing power over acts of parliament. And how did his right hon. and learned friend justify the grant of this dispensing power? By reference to a case which by no means warranted the conclusion which he drew from it. What was it that the statute of the 12th Geo. 1st., establishing and regulating the office of accountant-general in the court of Chancery, effected? He would shortly inform them. The lord Chancellor of that day had made certain orders which related to one of the most immaterial objects that legislation could be applied to; for they related to the manner in which the master was to be accompanied by the six clerks to the Bank, and in which the securities of the suitors were to be there deposited. They stated the manner in which the money was to be put in and taken out of the Bank chests; and even the manner in which the securities were to be grasped by the finger and thumb of the master at the Bank. These matters were settled originally by an order of the court of Chancery, and all that parliament did was to confirm them, and say, "Be it enacted, that these orders shall be law, until they be altered by the decree of the lord Chancellor." Was there nothing more important than this enactment in the bill just presented to the House? If there was not, then his argument fell to the ground, and his right hon. and learned friend triumphed over him. But why did his argument fail, and his right hon. and learned friend's succeed? For no other cause than that the matters contained in the present bill were just of that same nothing-complexion as the matters contained in the act of Geo. 1st.,—a fact which he expected would be incontestably proved, whenever the accounts of the two bills were fairly contrasted with each other.

It was at all times an unpleasant duty to make observations which might be construed into personalities against an in-

dividual. But, though this was the case, still he would not shrink from the discharge of what he considered to be his duty to the House, to the country, and to his own conscience—if he might be permitted, as well as the noble and learned lord, to talk of his conscience—he talking of conscience seldom, the noble lord perpetually. His belief was,—and he shared it in common with many of the wisest men who had gone before him, of the ablest statesmen who had ever lived, of the most experienced practitioners in the noble lord's own court, of those who had watched and studied the noble lord's judicial conduct longest and nearest, and who, therefore, were best qualified to know it,—his belief was, he said, the same as that of many distinguished members of that House, who, though they lived no more among them, still lived enshrined in the memories of their countrymen, that it was the man [cheers], aye, the man, the individual judge, more than the system, that was to blame, for the delay existing in the court of Chancery. [Loud cheers.] On a former occasion he had stated his reasons for forming such a conclusion. He had stated, that it arose, in some degree, from the excess of laudable scruple which the lord Chancellor entertained, not to do injustice by his decision; and from a slowness to pronounce his opinion, not from a slowness to form it. He knew, from persons of competent authority, that the noble lord did not hesitate to form his opinion, and that, after he had formed that opinion, he never changed it. He did not impute that as matter of blame to the noble lord; for, as no man had a more acute and penetrating mind, or was more accomplished in all the learning of his profession, or had derived more benefit from his long experience, no man had a greater right quickly to form and fastly to hold by his opinions. Still, though he formed his opinions quickly he was unfortunately haunted by a reluctance, amounting almost to a morbid infirmity, to pronounce and to act upon the opinion he had formed. He had heard, in the course of the discussion, that the Chancellor was overwhelmed with business—that he had more occupations to attend to than one man was competent to fill; nay, that he was laden with heavier duties than any two men could support, and therefore that it was no just ground of complaint against him, supposing that he left some of them undone. He agreed with his right hon. and learned friend as to the causes of the delays which so often occurred in the Master's office. Undoubtedly those delays arose from the attornies in the metropolis having too much business to attend to. The consequence was—and he marvelled exceedingly that his right hon. and learned friend had not applied the remark to the lord Chancellor—that those duties were left undone which could be done at any hour, and that those which were more exigent in their nature, and lucrative in their results, were performed first. If that remark was good as applied to the solicitor, it was also good as applied to the lord Chancellor. If it was the certain lot of all the inferior practitioners to neglect business which could be done at any hour at a small expense, for that which required to be done immediately and with considerable profit to themselves, it was also the lot of the head of the profession; and it was no more to be expected that an individual who held the great seal, who was lord Chancellor, who was Speaker of the House of Lords, who had numerous connexions, who had a large fortune, and great property to manage, who had vast patronage of all kinds to dispose of, legal as well as clerical, who had great parliamentary duties to perform, not only as Speaker of the House of Lords, but as the most able and efficient debater of the government—his own government, he ought to have said—and who, besides all these functions, held some of a highly influential nature about his majesty's person—who was much with his sovereign and his ministers, who was conversant not only with every transaction in the cabinet, but with every transaction in parliament, —it was not to be expected, he said, unless they could get a man not only far above the ordinary run of solicitors, but also far above the ordinary run of frail humanity, that his multifarious duties should be adequately performed; and, therefore, as all of them could not be adequately performed, an abatement was to be made upon each in proportion to their importance. The going to the House of Lords, the taking a prominent share in its debates, the visits to his majesty, the conferences with his colleagues, the discharge of his political duties, which, though not remunerated in money, were, on that very account, more urgent in their tendency, and, which if neglected, might be attended with loss, not to the suitor, but

to himself, in the diminution of his favour at court, and his influence in the cabinet—all these avocations were considered by the noble lord as the most exigent in their nature, and being considered the most exigent, were performed in preference to the ordinary business of the court in which he presided as judge.

This was an exact explanation of the manner in which the business of the noble lord's court was neglected. What was the consequence of it? Arrears in his own court; only three causes heard in—he would not say what time,—as it was quite immaterial—a degree of delay which his right hon. and learned friend had greatly underrated, as he would find when he had been a little longer in that court, of which he was destined to be the head and ornament. His right hon. and learned friend would soon learn that it was a complete mistake to say that there had been no arrears, or accumulation of business, since the time when lord Gifford began to act as deputy Speaker in the House of Lords, or even since the appointment of the present Vice-chancellor. The delusion which had been practised on the easy nature of his right hon. and learned friend on this subject, by those who had provided him with instructions, was one of the grossest that had ever been practised upon man. He could assure his right hon. and learned friend, that the fact was by no means such as he had stated it. It was unnecessary to look for many proofs of what he had just asserted—one would suffice, and he would therefore take for the purpose of proof a case which he believed was mentioned in the evidence taken before the commission. The case to which he alluded was "ex-parte Macnaghten." It commenced in 1820, and was still undecided. There was a bankruptcy; then an appeal from the commissioners of bankruptcy, he believed, on the choice of assignees, and the granting the certificate. The appeal was by petition brought before the lord Chancellor in 1826 by five creditors, whose debts amounted to 427*l*., and no more. The creditors at large were very numerous and their debts amounted to 20,000*l*. The petition went on, and was spoken to, and heard over and over again. There were also some minor proceedings in the Vice-chancellor's court; there were appeals from the Vice-chancellor to the lord Chancellor, and there were hearings, and re-hearings innumerable. All the gauntlet of interminable litigation was run through. The suit had been in existence for seven years, and now stood at the head of the lord Chancellor's list for judgment. The estimated expense of the proceedings was 5,000*l*., and he mentioned it as a proof of the expense of litigation in the court of Chancery, and of the operose progress of suits in that court, which looked so fair in the picture of that great equity artist, who had used his masterly hand in embellishing it till it seemed as innocent as a sucking babe, and which would never be recognized again, when he filled it up with his coarse and vigorous daubing. Yes, 5,000*l*. he repeated, were the costs to decide a question of 427*l*.; and the brief of an excellent and learned friend of his, Mr. Basil Montagu, engaged in the litigation, as he had stated in a pamphlet which he had recently published, when weighed in the scales, not of law, or justice, or equity, but of the tallow-chandler, weighed twenty-five pounds—his learned friend did not say whether troy or avoirdupois [a laugh.] Therefore it was, that men did not cease to cry out against the oppressive jurisdiction of the court of Chancery—therefore it was that they would not hold their peace, nor be put off any longer by the offer of palliatives, from those who had the means of applying a speedy and adequate remedy for the portentous evils of which they complained. And, as long as those evils were permitted to exist—as long as there were men who had such tales to tell of their sufferings in equity, and men honest enough and bold enough to repeat them to the country, no matter how parliament received them—so long would it be a vain attempt to put off the remedy, by giving the nominal power of inquiry to a parcel of packed commissioners, the majority of them connected with and chosen by the party whose conduct was the matter at issue. If that attempt were vain, still vainer would be the silly attempt to legislate on the subject, by a series of measures, which, taken separately, were of no force, and, taken together, were as dust in the balance, when compared with the evils they were professedly intended to remove.

The hon. and learned gentleman then proceeded to contend, that the bill which had been that night introduced, did much to relieve the judge, little to relieve the suitor, in equity. What ought to have been the object of the bill? To destroy the arrears now on hand—arrears which,

upon the authority not only of sir Samuel Romilly many years ago, but also of the present Vice-chancellor, he would say, were owing, not to the system adopted in our courts of equity, but to the manner in which that system was administered. He would now proceed to notice the circumstances which had occurred when, at a former period, a reformation in the court of Chancery was attempted. At that time, six or seven gentlemen, of the first character, and the first experience in the profession, were occupied, with this important subject. Amongst the rest his late lamented friend, sir Samuel Romilly, exerted all the powers of his great mind to bring the business to a successful issue. But the friends of improvement were constantly outvoted, whenever an essential point came to be discussed. And outvoted by whom? Why, by masters in Chancery. The balance was turned on the main question—on a point of the most important nature—by the arrival of a master in Chancery. That was at the period when it was proposed to create a new court of Chancery in aid of the old. That proposition was strongly opposed by many able and eminent men. It was brilliantly opposed by an hon. and learned friend of his (sir James Mackintosh), whose absence on this occasion, in consequence of indisposition, he deeply regretted. It was opposed, too, by the right hon. gentleman who now filled the situation of Secretary of State for the Foreign Department; and it was also opposed by a learned gentleman, now no longer a member of that House, although he afterwards became Vice-chancellor, under the measure then in progress. That measure of relief passed in spite of opposition; and yet they had the lord Chancellor complaining of the additional weight of business that was thrown on him. Lord Thurlow and lord Loughborough contrived to get through the whole of the Chancery business. In their day, such a complaint was not heard of. Lord chancellor Eldon, however, complained that there was an accession of business to the amount of one third or one fourth. How did this happen? Because he was in the end, vested with the powers of this new court of Chancery, in consequence of the system of appeal. The court of Chancery, under this new system, really ceased to be a court of decisive jurisdiction, and became a court of appeal from the judgments of the Vice-chancellor. But this preposterous system was not without its strenuous defender. They had seen the senior master in the high court of Chancery coming forward in his own proper person, with all his titles to deck him, and all the authority of his office to back him; they had seen him thus supported, not putting forth a pamphlet, but promulgating a manifesto. He had come forward, no doubt, assisted and followed by all the masters in Chancery, with the exception of the Master of the Rolls, who appeared to have abandoned the cause; and he had not scrupled to scatter his censure about very liberally. In speaking of the manifesto to which he had alluded, his right hon. and learned friend opposite had, somewhat jocosely, observed, that there was a great deal of wit and humour in it. If this were the case, the wit and humour had most unaccountably escaped him in its perusal. It might be considered witty and humorous in the Master's office, but he really could see nothing of either wit or humour in it. Of this document (continued Mr. Brougham) coming from so high a quarter, I have, as the Speaker sometimes does with documents from other high quarters, "to prevent mistakes," obtained a copy, and I will now read a few passages from it. The title of it is, "The Sovereignty of the Great Seal maintained against the one hundred and eighty eight Propositions of the Chancery Commission." The effect of the one hundred and seventy-fourth proposition, the senior master contends, would be not only to dispossess the lord high Chancellor of his authority, but, coupled with the eight following propositions, to despoil the great seal of its sovereignty; and what, he adds, would be worse, to despoil the suitors of its protection. And then comes the passage in which I suppose my right hon. and learned friend found the author's wit—

"PROSPERO: You'd be King of the Island, sirrah?
STEPHANO: I should have been a sore one then."

But the writer adds, that he alludes to no particular Vice-chancellor; nor, I might say, do I to any particular Chancellor [cheers]. What he says, however, is quite unfair. Every man of common candour, acquainted with the facts, must know that this is a groundless charge against the Vice-chancellor. If the right of appeal was direct from him to the House of Lords, we should see an altered state of things. Though, unquestionably,

the present condition of the appellate jurisdiction is inexpressibly absurd. The merits of the case can signify nothing to the three lords who hear one half of it; nor to the other three lords who hear the other half of it; nor to the three who sit while judgment is given by a man who is not a lord; and thus is ridicule brought on the highest assembly in the land, in order to save John lord Eldon, where he is as deficient as in the court of Chancery. In another part of this pamphlet, the senior master observes insidiously, "The number of appeals from the lord Chancellor to the House of Lords is very, very few, while those from the Vice-chancellor to the lord Chancellor is very, very great." This, I take it, is the eloquence which my hon. and learned friend found in the pamphlet, as the other was the wit. "The inference," the senior master goes on, "is so obvious, that I cannot bear the pain of drawing it more strongly." But, Senior Master, you shall bear the pain of having it drawn more strongly. The meaning of the passage is this: "I will praise the lord Chancellor, who made me a Master in Chancery. I will praise lord Eldon, who in the vigour of a green old age, is still the principal dispenser of favour to men of my stamp in the legal profession; and I will do so at the expense of the Vice-chancellor, who does not enjoy the same influence at court." And that he has it not I lament, from the bottom of my heart; for he deserves every honour, for the struggle he has so manfully and gallantly maintained, if he had no title to honour better founded before. He discharges his duty perseveringly, constantly, uninterruptedly, under the pressure of bodily infirmities that might well excuse him. "Him," however, in effect, says the senior master, "I will not praise. He has no favours to dispense. He has neither power nor perquisites to give to those of our cloth who will laud him. But the Chancellor I will praise. I will say the appeals are many from the Vice-chancellor to the Chancellor, because of the unfitness of the Vice-chancellor; and that they are few from the Chancellor to the House of Lords, because of the eminent fitness of the Chancellor" [cheers]. What! did it never strike this grave authority, that the reason why the appeals were few to the House of Lords was, that an appeal from the lord Chancellor in the court of Chancery, to the lord Chancellor in the House of Lords, was an appeal from himself to himself [hear, hear!]? The man is a fool who hopes for any result from this protracted litigation, except the loss of additional time and money. Did it never strike this grave and erudite authority, that some of the judicial habits of the Chancellor tend directly to the multiplication of business? A very good explanation of the many appeals from the Vice-chancellor may be given, without imputing them to any defect or infirmity on his part. What, I ask, would be thought of a judge, who never hears the decree of another judge read before him without carping or cavilling at it? I do not believe the lord Chancellor does so from invidious motives. The practice may result from subtlety, from ingenuity, from extreme refinement of mind, which leads him always to look out for what has never struck the mind of any other man before. This may be a very fine quality in the abstract, and afford a gratifying display to the professional listeners, but to the suitors it is far different. One effect is, that it gives hopes of unsettling the judgment, and thus extends the costly and ruinous sphere of unnecessary litigation. Where he does not reverse the decree, he throws so much doubt on the main point, that he destroys the authority of the case when it is reported. I appeal to every lawyer versed in equity, whether, since the commencement of lord Eldon's chancellorship, so many doubts have not been expressed on every appeal heard before him, so much dislike and disapprobation manifested, on his part, to the grounds of the decision of the inferior judge, that where he does not reverse the decrees, he shakes them so, that other suitors are advised, as the phrase is, to take "the chance of the tables," in expectation that some of the difficulties may be made available to themselves. That is one reason why appeals are so frequent from the Vice-chancellor to the Chancellor. It forms, also, very often, a ground for re-hearing his own judgments [cheers].

No man has had so much done for him as lord Chancellor Eldon. In the House of Lords a deputy Speaker (lord Gifford) was made to assist him, who certainly despatched the Scotch appeals with great success, and gave general satisfaction to the practitioners and suitors. The courts of Scotland were entirely satisfied with

his administration of the appellate jurisdiction. That noble and learned lord sat from day to day, six hours each day, and during every one of those hours his mind was on the stretch, attending carefully to what passed before him, and making himself master of the case. He was then prepared to give judgment without any interval, without "taking home the papers" [a laugh], or keeping the parties in anxiety, to the great increase of their costs, until he had forgotten the arguments altogether, or perchance lost or mislaid the papers. That was the way in which lord Gifford administered justice in the House of Lords. I will not follow the example of the senior master of the high court of Chancery. I will not state the contrast unfairly and insidiously; but I will state clearly and expressly, that the conduct of lord Gifford, in the House of Lords, was a great and striking contrast to that which lord Eldon follows, both in the House of Lords and in the court of Chancery. The same may also be said most justly of the Vice-chancellor. Nothing keeps him from his court, except severe illness, when he is actually confined to a sick bed. Six days in the week, during six hours each day, he sits patiently attentive to his duties. He suffers nothing, positively nothing, to interfere with them. He does not waste an hour at the beginning, and an hour and a half at the end, of the day. His mind is on the stretch the whole time. He decides more causes, and gets through a greater mass of business, than any of the equity judges. In the diligent and able performance of his duty, he resembles those great judges, of past times, who were the ornament of their own day, and the envy as well as the regret and admiration of ours [cheers].

But the Chancellor still needs help! [a laugh.] No doubt something must be done to give him assistance in the House of Lords. My right hon. and learned friend has invited us on this side of the House, to give him suggestions for the improvement of the court of Chancery, from our own experience of that court and others. Now, Sir, I have a suggestion to offer with regard to making a deputy Speaker, who may not be a member of the House of Lords. This, in my view of it, is one of the most unwise steps that can be taken. I cannot express my condemnation of it too strongly. What has been the course of this practice? The lord chief baron was first taken from the Exchequer. In 1819, he fell ill, and the lord chief justice of the court of King's-bench was planted as his successor, under a royal commission. Still he was not a member of the House. He could not open his lips on the merits of the cases argued before him. All he could do was to put the question. That, literally, was the whole amount of his authority. Surely, then, I am justified, without transgressing the bounds of propriety, in stigmatizing this practice as anomalous and absurd. Nothing can be more inconvenient—nothing more degrading—in appearance and in substance—to the dignity of the upper House, than the situation of the lo 1 chief justice under these circumstances, sitting with a bishop and two lords to hear causes, in the decision of which he has no more voice or vote than the door-keeper of the House, or his own train-bearer. While I am on this part of the question, I will relate a fact that occurred while chief justice Abbot was sitting in that capacity in the House of Lords. A case was one day half heard before the chief justice, and appointed for further hearing on a day on which lord Eldon, who had in the mean time recovered, came down to the House. The case was postponed till another day, when the chief justice heard the residue of it. The House then adjourned during pleasure, and other cases were heard by lord Eldon. The chief justice went away to his own court, and on another day judgment was given in this case. Do I say that judgment was given by the lord Chancellor without knowing any thing of the case? No. I am perfectly well aware what was done. The lord chief justice had communicated to some one or other what should be done. But is it not, I ask, a mockery on the sacred forms and attributes of justice, that in this manner we should make a puppet of the highest judge in the kingdom, the next in rank to the Chancellor himself, the lord chief justice of all England. Undoubtedly it is an insult upon his office—an unseemly mockery, I repeat it, on the administration of justice [cheers]. But now the practice is even still more absurd. The lords are ballotted for to insure their attendance. Two of them come daily. Two on one day hear one part of the case; on the next, two others hear the remain-

der; and the case thus proceeds day by day, before a different set of lords every day, until the deputy Speaker, who, not being a member of the House, cannot, in fact, speak at all, whispers the judgment to be passed by those who, perhaps, have not heard one word of the argument. I do trust that the administration of justice will be spared this foul blot.

How is it that the House of Lords is so destitute of those resources which, in former times, stood it in great stead; I mean the presence of law lords? This, I know, is a very delicate subject to speak on; because, in treating it, I must look at the lord Chancellor, not only in his official character as head of the court of Chancery, Speaker of the House of Lords, and as a senator and a minister; but also as the chief adviser of the Crown, and the supreme dispenser of its patronage. I am one of those who think—and daily experience convinces me more thoroughly that I am right—that lord Eldon is of the number of those sovereigns who "bear no brother near the Throne" [hear, hear]. He has lived to reap the fruit of that principle, if principle it may be called, on which he has so long acted, of not promoting men of his own profession, lest they should perchance become his rivals. He finds now, in these his latter days, that his fear of raising formidable competitors, has left him without able and useful assistants. If he had dispensed the honours of his profession, without regard to party feelings or political motives—feelings and motives of a kind to which I wish rather to allude than to describe—if he was surrounded by high law officers, able to render him effectual aid, he would be no longer driven to the miserable shifts which are now urging him to create a third court of Chancery, because the second has not been enough to make up the deficiency still existing in the jurisdiction of the court of Chancery, or to appoint another deputy Speaker to regulate the judgments of the highest court of judicature—a court, in which that deputy will be no member, nor even entitled to utter an opinion [cheers]. I will ask why the lord chief justice of the court of King's-bench has not been elevated to the peerage? If I am told that it has been offered to him, and he has refused it, my question is answered. I well remember when my friend the late member for Bramber (Mr. Wilberforce), remarking to me, when lord Gifford was made a peer, that that was an arrangement which would suit the convenience of lord Eldon, as from the new peer he could fear no rivalry or competition. My respected friend observed, that he did not think it right to see the lord chief justice of all England waiting with a coronet in view, while an inferior judge, for some particular purpose, had one given to him at once. I ask again why has lord chief justice Abbott not been created a peer? He has every right which character, station, learning, and experience, can confer on him. Why should he not enjoy those honours which have been conferred on all his predecessors? I agree with my respected friend on the constitutional grounds stated by him, for his opinion; and with a view to judicial purposes, I repeat that opinion. If that learned person had been elevated to the state to which his talents and the regard of the profession for him entitled him, lord Eldon would now have been surrounded by other men, and other measures of assistance would have been projected to aid him in executing his judicial functions.

I have now concluded the observations which I felt it necessary to make on these propositions. I have discharged my duty; and a painful one it has been to me. I need not add, for I have often said it before—but I will repeat it, in case any member should be present who has not heard me, and in vindication of the opinion to which I have given expression—that it has been painful to me on this account, that whatever public differences of opinion I may have had, or have now, with that noble and learned lord, I entirely agree with all those who have mentioned his name in this House or elsewhere, that, holding a high situation, as he does, not only by his claims as a lawyer, and a man of talent and practical wisdom, I admit freely and cordially, that of all the judges before whom I have practised—and I have practised much—he is, out of all comparison, and beyond all doubt, by much the most agreeable to the practitioners, by the amenity of his manners and the intuitive quickness of his mind; though, if I must add the infirmity under which he labours, he is certainly the slowest in his decision. I have delivered my sentiments as the public adversary of lord Eldon—I say, as the public adversary; for no feeling of private enmity—no sentiment of personal

hostility—has any, the smallest share in the part which I have taken [loud cheers].

The *Attorney-General* said, he would not occupy much of the time of the House, at that late hour, but felt himself called upon to offer a few observations, in answer to the remarks of his hon. and learned friend who had just sat down. As a member of the Chancery commission, he felt himself put upon his trial, and it was natural he should wait until he knew the nature of the accusation, previously to answering it. The four hon. gentlemen who had spoken on the other side of the House, had none of them raised any objection to the propriety of the one hundred and eighty-eight propositions of the commissioners, which it was the object of his right hon. and learned friend to carry into effect, by adopting a legislative measure, founded upon them. The hon. and learned member would not think that he intended any disrespect, if, while he allowed the admiration he felt, and the entertainment which he, in common with the House, must have derived from his speech, he took the liberty of remarking, that nearly the whole of that speech had no connexion with the subject before the House. Were the one hundred and eighty-eight propositions which the commissioners, after two years' labour, had prepared, fit or unfit to be carried into effect? Of the four hon. gentlemen who had spoken, none had questioned their propriety. They had all adopted different lines of argument, widely diverging from the topic actually before the House. The hon. member for Durham admitted the great merits of the lord Chancellor, and among other good qualities, gave him credit for his urbanity. The hon. member for Colchester came to the conclusion, not that the Chancellor did too little business, but that he had more to perform than it was in the power of human faculties to accomplish. Much of this pressure was attributable to the existing state of the bankrupt laws; but this was not the fault of the lord Chancellor. It was not his intention to dispute the propriety of improving the system of our bankrupt laws, but they formed no part of the present question; which was, whether or not the propositions of the Chancery commission ought to be carried into effect? He would solicit their attention to one or two points of his hon. and learned friend's speech. His hon. and learned friend represented all the individuals who sat upon the commission, as actually seduced by the lord Chancellor. If the House should credit the hon. and learned member, those individuals were unable to resist that suavity and amenity of manner, which formed the distinguishing attraction of the noble lord. Consequently, they had been obliged to think as lord Eldon thought; or, as the learned member had expressed it, to see with the eyes of lord Eldon. Really, it was unfair to represent the commissioners as deluded by the Chancellor. He himself was one of them; and he took upon himself to say, that he had exercised an independent judgment and opinion; but, perhaps, the learned gentleman would not admit him to be capable of exercising an independent judgment. His learned friend complained, that the Chancellor had not attended the meetings of the commissioners, and taken the chair. Now this was the very point for which he had heard the noble lord commended, by every one except the learned member for Winchelsea. His absence on these occasions proved that he had no intention of influencing the decision of the commissioners. The absence of the Chancellor proved the free agency of the commissioners. The learned gentleman's theory was irreconcileable with fact; and had the merit of singularity; for it was insisted on by himself alone. The lord Chancellor would not be present at their meetings, in order that he might not embarrass the free exercise of their discretion; but when they had made up their minds to any resolution, then he expressed his willingness to attend, and give his advice on any point, with respect to which his opinion might be required. The commissioners were thus left to the free and unbiassed exercise of their judgment; and they undoubtedly did exercise it. He had thus answered the complaint which formed the support and substratum of the learned gentleman's argument, when he stated, that the commission had been paralized and neutralised by the lord Chancellor. The late member for Lincoln, and the present member for Tregony, were among the supposed victims to the extraordinary attractions and seductions of lord Eldon. He would now offer a few words on the subject of the propositions come to by the commissioners. The practical question was, were these one hundred and eighty-eight propositions, the result of two years

labour, and which had received the recommendation of the Chancellor, and the Vice-chancellor (whom the learned gentleman would admit to be an independent person) to be adopted? The subject was so dry, that he could not expect the attention of the House, were he to enter into the details; but he would touch on one or two main points. One subject of complaint had been, that, when a case got into the Master's office, there was no chance of getting it out again in any reasonable time. It was alleged, that there existed no sufficient stimulus in that department. Now, the propositions armed the Master, in future, with power; and required him to exercise it in accelerating the proceedings of the court. Under the proposed regulation, the Master was authorised to prescribe a limited period for every step, and to go on with the cases before him *de die in diem*. He was also empowered to examine witnesses in person, as well as by deposition. The defects of the Master's office had been complained of, and justly. Here was an attempt to remedy the evil. He had no hesitation in saying, that one considerable cause of the delay incident to proceedings in equity, was to be found in the Master's office. The learned gentleman said, that the commissioners had done nothing. Now, he referred him to the regulations on this subject. He put it to the candour of his learned friend to say, whether this was not an improvement. He believed the learned gentleman had scarcely troubled himself to read over the one hundred and eighty-eight propositions. If he had, he must have given them only an imperfect consideration. Now, much as he admired the eloquence and wit of the hon. and learned gentleman, he thought that, in discussing a practical question, it was too much to call the whole report a mockery. He had heard, with pleasure, the eloquent, facetious, entertaining, and ingenious speech of his learned friend; but he thought his arguments extremely defective. It had been complained, that no one had risen on the ministerial side of the House after the right hon. and learned Master of the Rolls. Now this was not extraordinary; for his arguments remained unanswered, and the resolutions which he proposed to carry into effect, had not been impugned. This was a sufficient reason why no one on his side of the House had followed his right hon. friend. The honourable member for Colchester had stated, and he fully agreed with him, that no individual could be found capable of administering the bankrupt laws of this country, in their present state, and, at the same time, discharge the other duties required of a judge in equity without assistance. It was made matter of complaint, that a dispensing power would be granted under this bill, enabling the lord Chancellor to alter the propositions as circumstances might warrant. Now, according to the constitution of all the courts in Westminster-hall, the judges might alter the practical rules of the different courts when they were found inconvenient. Here there were one hundred and eighty-eight propositions, and if any one of them was found not to work well, he knew not how it could be altered, unless a power for that purpose were regularly vested in the court. It would be absurd to think that a system of resolutions could be framed which would never require varying; and no one was better able to decide when such variation might be convenient, than the individual who presided over the court.

The hon. and learned gentleman had found fault with the manner in which the appellate jurisdiction of the House of Lords was exercised; but surely it was not lord Eldon's fault that there was so small an attendance of peers on these occasions; nor would it, perhaps, be decorous in that House to call in question the mode in which the other House might feel disposed to perform their peculiar duties. The general opinion, both of Westminster-hall and the public, was in favour of the resolutions; and when the bill came to be examined in detail, he should be happy to enter into a more minute explanation of the reasons of the regulations.

Mr. Secretary *Peel* hoped, though the hour was late, and the House in a very exhausted state, that they would not think he was preferring, after the speech of the hon. and learned gentleman opposite, an unreasonable claim to their attention and indulgence, by detaining them by a few brief observations. There was no man, under any circumstances, more incapable than he was of entering into a discussion of the merits of the one hundred and eighty-eight propositions of the commissioners? though, if he had had leisure, he should have paid them great attention. But he would fairly own that his other avocations had occupied him so much,

that he had not had sufficient time to give them that consideration which they deserved, and which alone could enable him to form an accurate judgment of them. Before he referred to the speech of the hon. and learned gentleman, there was one point on which he wished to make one or two remarks. There was one subject upon which, whether a man were a Chancery lawyer or not, and whether he had studied the report or not, he would be able to form an opinion. He alluded to the state of our law relative to the transfer of real property, and the difficulty there was in making out a good title. There was no man who had purchased or sold real property, who had not been made aware of the numberless modes which might be, and sometimes were, had recourse to, to defeat a just contract; and thus, whether some means might not be adopted to put an end to such proceedings, to facilitate the establishment of titles to landed property, and to give its owner a more ample security, became an object well worthy of attention. There, therefore, was one passage of the report—for he had read that, though he had not had time to examine the whole of the resolutions—in which he heartily concurred. The commissioners state, that "no person can have had much experience in courts of equity, without feeling, that many suits owe their origin to, and many are greatly protracted by, questions arising from the niceties and subtleties of the law and practice of conveyancing. Any alteration in this system must be made with the greatest caution; but, as connected with the object of saving time and expense to suitors in the court of Chancery, we venture to submit to your majesty's consideration, whether it might not be proper to commit to competent persons the task of examining this part of our law, with a view of determining if any improvement may be safely made in it, which might lessen the expense and narrow the field of litigation respecting the transfer of real property." In this view he fully concurred; but he felt there were great difficulties connected with the subject, and that it was one which ought to be approached with the greatest caution. He did not exactly see why he should be applied to on this subject; perhaps it was on account of his situation, and because he had made the improvement of another branch of our law the object of his study; but he had, on more than one occasion, received offers from men of the highest talents, to contribute their assistance towards improving this part of our law; and only a few days ago, he had received an offer of services from a gentleman of such great talents—an offer so tempting—that he did not wholly despair of being shortly able to devolve on a few persons—and he thought a few would be better than many—he did not despair, he said, of being shortly able to devolve on a few distinguished persons, the task of forming a commission, meriting the confidence of the House and the country, which should consider the best means of carrying into execution the recommendation of the report, to lessen the expense and narrow the field of litigation respecting the transfer of real property. If the inquiry were to devolve on such men, he was sure the appointment of such a commission would meet with the cordial approbation of the public [hear, hear!]. After these observations, he would proceed to notice the speech of the hon. and learned gentleman. He could assure him, that in speaking of the lord Chancellor, he was under no obligation to him; he had never received from him any personal favour; and if he then rose to repel what he thought unjust accusations, he could assure that hon. and learned gentleman and the House, that he did it only from that respect which he bore him as a colleague, and from that personal friendship which the House would not undervalue. He hoped the House would bear in mind, that the very severe attack which had been made by the hon. and learned gentleman on the lord Chancellor had been made in his absence.

Mr. *Brougham* interrupted the right hon. Secretary, by stating, that he was authorized by the constitution of that House, to make what observations he thought fit, with reference to a minister of the Crown, notwithstanding that he was, of necessity, absent.

Mr. Secretary *Peel* said, he did not deny the hon. and learned gentleman's right to make the attack; he only wished to remind the House, that it had been made on the lord Chancellor in his absence, in a place where he had no right to come, and which made it the duty of those who entertained for him feelings of respect, to vindicate him from an attack, which he had a right to say could not have been expected on such a motion

[hear, hear!]. And he wished the hon. member for Durham, who now cheered, would recollect that in his speech he had been very tender of the character of solicitors, and had called on the House not to attack men who had no means of replying to the accusations, and who were not present to vindicate their characters. Though he was sensible that there was a great difference between these solicitors and a minister of the Crown, yet the absence of the lord Chancellor was the reason why he stood up to defend him, not intending, however, by so doing, to question the right of the hon. and learned gentleman to make any attacks he pleased on the ministers of the Crown. He would first state that he thought it was not consistent with fairness to attempt to throw discredit on the minister of the Crown for his private conduct. He would admit the right to call into question his mode of discharging his public duty; but he appealed to the good taste of the hon. and learned gentleman, and to the sense of the House, if it were proper to go into an examination of the faults of his private character, and make it a matter of reproach to the lord Chancellor that he employed the emoluments of his office in heaping up money, until he had accumulated a fortune of a million and a half. If this accusation were not true, he would appeal to the House whether he was not justified in repelling it? The hon. member for Colchester also had stated, that the lord Chancellor's emoluments had been swelled by the enormous sum of 20,000*l.* a year, accruing from the bankruptcy department of his office. And was such a statement not to be contradicted? The amount of the income of the lord Chancellor had, on a former occasion, been laid before the House; and, out of that income, he had to pay subordinate officers' salaries, amounting to 2,500*l.* per year. He did not recollect the exact amount of the Chancellor's income, as he had not looked at the subject lately; but he believed it was less than 14,000*l.* per year, and about 13,500*l.* When it was considered that this was the chief prize in the lottery of a very uncertain profession, he thought no man would consider 13,500*l.* per year too large a salary. The hon. and learned gentleman had insinuated, that the lord Chancellor had used the influence conferred on him by his situation, to prevent some of the judges being promoted to the peerage. He believed the hon. and learned gentleman to have been misinformed. He would not enter into the circumstances which induced his majesty to confer a peerage; but he would say, as to the present chief justice of the court of King's Bench, who had at all times discharged his duty in a manner that would do honour to judges of the highest character who had ever filled his high office, that the lord Chancellor had never thrown the slightest obstacle in the way of his promotion to the peerage, and could have no occasion to fear in him either a competitor or a rival. But the lord Chancellor had, according to the hon. and learned gentleman, used his influence to raise an equity judge to the peerage, in whom he might, indeed, have expected a rival, and he had used his influence to keep back the chief justice, who, from being in another branch of the law, could never have come in collision with him. Nor could he fail to remark the conduct of the hon. and learned gentleman, in holding up a judge to approbation, for his undivided attention to business, and for his despatch in giving his judgment, when his object was to disparage the lord Chancellor; when, at other times, that learned judge was the object of the hon. and learned gentleman's attacks. But it served the hon. and learned gentleman's purpose now to praise that noble lord at the expense of the Chancellor. It was but justice in him to pay a tribute to the memory of lord Gifford; but, if there were any judge more capable than another of exciting a feeling of jealousy, such as the learned gentleman imputed to the lord Chancellor, it was lord Gifford, but who had excited no such feeling as that which the hon. and learned gentleman had attributed to the Chancellor, and which had certainly never influenced his conduct. The learned gentleman had been exceedingly severe on those who had advocated the appointment of the commission, and had said that when the commission was proposed, he had observed a smile on the faces of the ministers, as if they intended by the commission to defeat some hostile purpose of the opposition. He denied that the smile—if smile there was—could justify such an inference. He had consented to the appointment of that commission, in common with his majesty's ministers, from a sincere conviction, that its members would

honestly, conscientiously, and zealously perform the duties assigned to them, and confer essential benefit upon the country. The choice the House was called upon to make rested between the commission then proposed and that which was sought to be obtained by the hon. and learned member for Lincoln (Mr. J. Williams), after a speech in the highest degree criminatory of the lord Chancellor.—It was impossible for him, or for any other man, to deny that the system of the court of Chancery presented great impediments to the administration of justice, and entailed a grievous expense upon the suitors. He had proposed the commission with a full sense of those evils, and from a conviction that a commission so constituted could devise the most effectual means of relief; but if he had stood alone in that House, and not a single member could have been found to support him, he never would have consented to the appointment of a criminatory commission, such as was moved for by the hon. and learned member for Lincoln in a speech in which that criminatory commission was advocated, and which speech was seconded and supported afterwards by many other members of the same side of the House. In that speech the hon. and learned member said, "It is not the system, but the man. I mean not to criminate the system, but the man; and it is into his conduct that I call for an inquiry." He thanked God that they did not listen to that appeal. He thanked God that the House had withstood the attempt to humiliate the lord Chancellor; and that they did not submit to have the lord Chancellor dragged from his high situation, forced to abandon his court, and brought to wait in humble attendance upon a quorum of those who were to be appointed to sit in judgment upon his conduct. He believed they never could, however, have had the satisfaction to witness such an act of degradation. He was sure that that illustrious individual knew too well the respect due to his own character, and to the high station he occupied, to have consented to hold office for one instant after such a commission had been appointed. He was sure the lord Chancellor of England never would have been found dancing attendance upon a quorum appointed to inquire into his conduct, for the purpose of crimination; and that he never would have so far forgotten the respect due to the office which he held, as to have brought the great seals of England to the doors of any place which such a commission might occupy. And who was the man that it was now sought to bring to that degradation? And, in what terms did even his enemies speak of him? The hon. member for Colchester admitted that the learned lord had done more than any of his predecessors, and that the defects of the system ought not to be attributed to him. That hon. member, in a speech which displayed great knowledge of the subject, and which was calculated to make a considerable impression upon the House, admitted, that the defects belonged to the system, and not to the man. And, after admitting, that the learned lord had done more than all his predecessors, the hon. member concluded his panegyric with these emphatic words—"his decisions, though slow, are always accompanied by a security which amply compensates for the delay." The hon. member for Colchester was followed by a gentleman totally unconnected with the profession of the law, holding a high rank in that House, and among the commercial men of the country. The hon. member for Midhurst (Mr. John Smith) admitted, that "no man in his high situation had ever had so much to do as the lord Chancellor; and that no man had ever done so much." He again was followed by the hon. and learned member for Winchelsea. And, in what terms did that hon. and learned gentleman speak? He admitted, that in the whole course of his experience, he had never pleaded before any judge with so much satisfaction as before the lord Chancellor; not alone from his invincible patience, but from his urbanity, his profound legal knowledge, and his discernment in detecting the slightest fallacy. And the learned gentleman went on to say, that if he had a fault, it arose from a sincere desire to administer the most rigid and impartial justice. He had thus quoted, he would not say from the mouths of his enemies, for enemies he hoped they were not, but from the mouths of his political opponents, testimonies to the character of the lord Chancellor, as high as any man could be ambitious of obtaining. He would not attempt to weaken their effect by any thing which he could say; and he would therefore, only add, that if the description thus given was a true one, he had great consolation in

the reflection, that he had raised his voice against the appointment of a commission, the avowed object of which was, not to inquire into the system, but to criminate the man.—He would now say a few words with regard to the charges brought against himself. It was perfectly true that he had recommended the appointment of the members of the commission, and he had done so, because he thought they would honestly execute the task assigned to them, and because he further thought that they were the men most competent to the duties which were to be performed. The hon. and learned gentleman said, however, that the commission was composed wholly of the friends and immediate dependents of the lord Chancellor—persons who either owed him obligations for favours past, or were seeking obligations for the future. He could not, he confessed, avoid feeling astonished at such an assertion. The Vice-chancellor was one of the commission. What motive could he have to screen the lord Chancellor's errors, or to decide according to his wishes? Mr. Hart was another—a gentleman high at the Chancery bar, seeking neither favour for the future, nor owing obligations for the past; for he believed that he was indebted for his silk gown to the recommendation of lord Erskine. He could have no motive for concealing a fact or changing the truth. Mr. Bell was another person proposed to be a member of that commission. He had himself intimated to Mr. Bell his wish that he should become a member; but not until Mr. Bell had retired from practice at the bar. It was impossible, therefore, to accuse that learned gentleman of a desire to curry favour with the lord Chancellor. Then there was the hon. and learned member for Tregony (Dr. Lushington), and the hon. member for Lincoln (Mr. R. Smith), and the hon. and learned member for Calne (Mr. Abercromby) none of whom were likely to be influenced by any improper motives in their decision upon the objects of the inquiry. Was it possible, he would ask, that all these gentlemen, some of them members of that House, who almost uniformly espoused the hon. and learned gentleman's views in politics, should be so weak and effeminate as to suffer themselves to be deluded by the lord Chancellor's urbanity of manners, into a consent to propositions which they knew to be decidedly erroneous? The very supposition on the part of the hon. and learned gentleman, was a species of censure which he would not venture to cast upon them. If they felt, however, that the commission was pursuing a course which they could not approve, why did they not decline to give their attendance? Was not that the course which would have been obvious, if the proceedings were not satisfactory to them? But even the hon. and learned member for Lincoln (Mr. John Williams) had declared at the close of the last session, that he thought it due to the commission to state, that the whole of their proceedings had been marked by the most anxious desire to investigate the subject of their inquiry. No man, however hostile, had refused to bear testimony to the indefatigable perseverance of the commission, in getting up what the hon. member for Durham had, however, been pleased to call a very flimsy report [hear!]. If any gentleman wished to know what was the daily labour of the lord Chancellor for the last three years, and what was the amount of business disposed of in the court of Chancery, let him turn to the pages of that "flimsy" report, and he would find it described with the most painful particularity. It was, to his mind, a most painful and humiliating sight, to see the daily occupations of such a man, as lord Eldon detailed. But, if any gentleman wished to see them, let him turn to that report, and he would find them. He was not one of those who thought the lord Chancellor—the first lawyer in the kingdom—ought to be excluded from all connection with the cabinet. He did not think that the first law officer in the realm should be precluded from giving his opinion upon those cases of criminal law which came before the government; and if there were any who thought, in looking at that report, that the lord Chancellor had not done enough in his six hours a day, let them recollect the various other avocations which required a share of his attention. Let them take the whole tenor of that excellent person's life: let them consider the panegyrics bestowed upon him: let them remember that there never has been the slightest imputation of any thing like a departure from the purest integrity: let them consider, that the whole *gravamen* of all the charges against him rested upon a too scrupulous desire to administer impartial justice; and when they had further recollected that he has

held the situation of lord Chancellor for a longer period than any learned lord who ever preceded him—dispensing justice with an impartiality never questioned—let them say, whether any man of feeling could consent to a course which must have brought down those grey hairs with sorrow to the grave, as he was confident they must have been brought down, had the motion for a criminatory inquiry into his conduct received the assent of that House.

Mr. *Brougham*, in explanation, begged to observe, that in speaking of the private fortune of the lord Chancellor as being a million and a half, he did not intend to describe it as amounting to that sum, but merely as being, according to common rumour, very large.

Mr. *Peel* said, that his earnestness on the subject proceeded from a desire to guard against the probability of such report going abroad among the people at the present moment, as that the lord Chancellor had amassed an immense fortune by bankruptcies; such an assertion being calculated to make an impression which might be extremely prejudicial.

Mr. *Brougham* said, he had made inquiries as to the income of the noble and learned lord, and had found that it never exceeded 18,000*l.* annually, and that the bankruptcy portion of it did not amount to a fourth of that sum.

Mr. *Abercromby* said, he would not at that late hour detain the House by many observations; but he could not allow the argument which had been pressed so strongly by the right hon. gentleman upon the subject of the Chancellor's resignation, to pass without a slight explanation. The right hon. gentleman seemed to think that the motion of his learned friend the late member for Lincoln (Mr. Williams) contained propositions so degrading, that it was impossible for the lord Chancellor to hold his place for an instant, if the House had consented to adopt it. Now, the motion of the year 1811, which the House had actually adopted, was in every respect the same; the motion of the hon. member for Durham in 1811, was for a committee to inquire into the means of expediting the decision of cases in the court of Chancery. The motion of the hon. and learned member for Lincoln, was for a committee to inquire into the causes of the delays and expense of that court. He believed it would puzzle the conveyancers with whom the right hon. gentleman seemed to have had such an intimate connection, to point out what there was in the one motion, which must cause the lord Chancellor to resign the instant it was carried, different from the other, which, being carried, yet allowed him to remain contentedly in office.

Mr. Secretary *Peel* said, he was sure the learned gentleman must recollect, that the speech of the learned member for Lincoln was mixed up of grave charges, and ridicule; and that the notion of the motion for a commission was taken from the complexion of his speech.

Leave was given to bring in the bill.

HOUSE OF COMMONS.

Thursday, March 1.

Corn Laws.] Mr. Secretary Canning moved, that the House should resolve itself into a committee to consider of the Acts of 55 Geo. 3, c. 26, and 6 Geo. 4, c. 65, relative to the Trade in Corn.

Sir *E. Knatchbull* said, he had no objection to the House resolving itself into a committee; but he begged that such assent on his part might not be understood as pledging him, with respect to any ulterior measures which might be proposed for their adoption.

Mr. Secretary *Canning* said, that of course it was impossible that the hon. baronet, by assenting to the motion, could be so pledged. He was aware, that the more regular course would have been, to have given notice of this motion yesterday; but that had been rendered impossible, in consequence of there being no House.

The House having resolved itself into the said committee,

Mr. Secretary *Canning* addressed the Committee to the following effect:—

Before I open the propositions which it is my duty to lay before the Committee, I trust they will permit me to detain them a few minutes, while I express my grateful acknowledgments for the indulgence which they have lately extended to me. I do assure them, that I should neither have called for that indulgence, nor have been disposed to avail myself of it from considerations merely personal to myself; and certain I am, that there are those among the colleagues with whom I have the honour to serve, into whose hands a question of this nature might have been intrusted, with advantage greater than, I fear, it will prove to have been to mine.

But, Sir, the reasons which have induced me to take upon myself this task, are simply these. Much as the question upon which I am now to address the House has been agitated, and great as has been the inflammation of men's minds in respect to it, in this House and out of this House, it has been thought desirable that when the propositions of the government on the subject should be brought forward in parliament, they should be brought forward in that manner which should most clearly indicate that they were the propositions of the government at large, and not the emanations of a particular department. In the absence of my right hon. friend the President of the Board of Trade (whom severe indisposition prevents from attending in his place this day), I can the more freely say it, that to his care especially, this business would have been much better confided, if it had not been that the consideration, to which I have just alluded, induced me to allow it to be placed in my hands.

If this consideration was felt strongly in the beginning of the present session of parliament, when the first postponement of the question was proposed and freely acceded to by the House, undoubtedly it has derived additional strength from the late afflicting dispensation of Providence (of which we are still, Sir, watching the issue with trembling anxiety), which deprives my noble friend at the head of his majesty's government, of the opportunity of appearing in his place in the other House of parliament, to submit there, simultaneously, the same propositions which I am now about to state to this House to-night; and to vindicate to himself that share, that paternity, I may rather say, of a measure, which I know my noble friend was most anxious so to vindicate to himself; and upon the success of which he was resolved to stake (more than perhaps any minister of this country, within my memory, has ever done upon any measure of such a nature), that eminent reputation, which is naturally most dear, as well as most honourable, to an individual in his exalted station, and if necessary, that station itself.

It is, therefore, Sir, not less as the representative of my noble friend at the head of his majesty's Treasury, than it is as the organ of his majesty's government in this House, that I bring forward the present propositions. I only hope, Sir, that I shall be able so to communicate them to the House as to prove not altogether an unworthy expositor of a measure which I have derived from him, and of which he intrusted to me the charge.

In acknowledging, Sir, the disqualifications which I willingly admit that I labour under in bringing forward this measure, I must also confess that there is, perhaps, one qualification, minor and accidental, for the discharge of such a duty, to which I may, at the same time, lay claim. During the long and repeated discussions upon the Corn-laws, which have at different periods occupied the attention of parliament, it has so happened that I have never taken any part. In the year 1815, when the question was first agitated here, I was absent from this country. In the year 1822, when it was again brought forward, it did happen also, that, from particular circumstances, my lot being then cast for a very distant destination, I was not in the habit of attending very assiduously in this House, and particularly upon the detailed discussions of the Corn-bill. With the single exception of a clause, which my situation, as member for Liverpool, occasioned me to bring in; a clause, which gave to the House, I am afraid, a great deal of trouble, under the name of the "grinding clause;" and which was proposed to be inserted in the bill in its progress through parliament, with various success, at different stages of its discussion, —I took no part whatever in the Corn-bill of 1822.

True it is, also, that in the course of the last session, I submitted to the House a proposition for the temporary opening of the ports, under the pressure of particular circumstances; but on that occasion there was on all parts of the House, by common consent, an entire abstinence from all discussion on the general subject of corn. I trust, therefore, that without any sort of merit of mine, I come to the discussion, uninfluenced by feelings or prejudices, to which, under different circumstances, I might have been liable. I come to this discussion without any prepossessions, without any pledges in favour of plans or proposals formerly suggested: and, at the same time, without any bias, without any predilection, still more without any acrimony, towards any of the parties, or opinions, concerned in those former discussions.

It does, indeed, surprise me, that into

these discussions so much of hostile feeling should occasionally have found its way; first, because I feel that, as to the result, the differences are infinitely less between the parties, than they have been stated to be in argument; and, secondly, because, various as the opinions are which have been brought forward on this subject, on different sides, I have never yet seen or heard the extreme opinion, upon either side, unequivocally and unconditionally supported.

The general question is, as to the introduction of foreign corn into this country. It is obvious, that the extreme opinion on one side, would be for perpetual, unmitigated prohibition. It is obvious, that the extreme opinion on the other side, would be for perpetual, unrestricted importation. Now, I have not yet met with any person who, by writing or in speaking, has maintained absolutely, and without qualification, either of these extreme opinions.

All between these extreme opinions, however different or distinct the intermediate stages may be, each from the other, are yet only questions of mode and degree; questions, in discussing which, I think, as in discussing many others, gentlemen are apt to use arguments that rather go beyond their own meaning; but, between which, it can at least be said, that there is no impossibility of effecting an approximation. I have never met with the advocate of a free trade in corn, who, when pressed in argument, has not admitted, that, to the agricultural interest of this country, some protection must be given. I have never met, on the other hand, with the person who has carried his agricultural doctrines so high, as to say, that he was willing to risk all the consequences of an inflexible and unmitigated exclusion. On the one side, they who contend most loudly for the admission of foreign corn, allow, as I have stated, that a protection is due to our domestic agriculture. As to the mode, as to the amount, as to the degree, of that protection, there are many opinions; but, the principle that some such protection is due, I have never yet heard broadly denied. On the other side, those of the agricultural interest, who press the doctrine of prohibition most strongly, always qualify such doctrine, as to the preference to be given to our own agricultural interest, by the admission, or rather, indeed, by the argument, that, however peremptory the law, in that respect, may be, there will always remain in parliament, or (parliament not sitting), in the executive government, the power of allowing foreign corn to come in to the aid of the country upon any special emergency.

Why, then, Sir, we have the admission on the one side, that our own agriculture is necessarily to be protected—we have the admission on the other side, that an unremitting exclusion of foreign corn is not the mode to be pursued with a view to that protection. Having these admissions upon the general principle, all the rest is, as I have said, a question of mode and of degree—a question that is, in what mode, and to what degree, shall that protection, to which the agricultural interest of this country is so admitted to be entitled, be extended?

The last few years have produced two or three distinct plans, in reference to the protection, which it is thus conceded on all hands it is necessary to afford to the agricultural interest. I may mention, in the first place, the one to which the authority of the late Mr. Ricardo's name is attached; another, which I believe originated with a noble lord, in the other House of parliament; and a third, which I shall merely designate as that which comprises the doctrines of the more severe and theoretical of the political economists; and with which every body who is at all acquainted with the periodical literature of the age, may be supposed to be conversant.

These three plans, the committee will observe, have been devised by persons the most generally favourable to a free trade in corn; which plans, nevertheless, not only admit the necessity of protection to the [illegible]ed interest, but specify the mode and degree in which, according to the notions of those persons, that protection should be administered. One of these plans is to impose a duty of 20s. per quarter on corn. (When, in the course of this argument, I say corn, I speak of wheat. The duties on the other species of grain follow, of course, in due proportion). I say, by one of these plans a duty of 20s. per quarter on wheat imported, was to be imposed, without reference to price; such duty to be diminished yearly, until it was reduced to 5s. or 10s. the quarter, at one of which mitigated rates that duty was to be permanent.—The second plan, which was devised by a noble lord, as I have said, in the other House, differed from that of Mr. Ricardo in this respect,

that it proposed to begin the scale of protection at a duty of 16s., to be diminished gradually to 10s., and at that rate to be rendered permanent. The last plan to which I have referred, and that which is the most recent, is, to lay a duty, once for all of 5 or 6s. per quarter, without reference to price, which duty is to be of permanent duration; but with this provision, that, in case of a great extremity of pressure from a defective supply of our markets, it might be doubtful whether such permanent duty should not be relaxed.

Now, Sir, my objection to each of these three plans, is comprised in the very case supposed of the possible occurrence of such a pressure; viz. that when that pressure comes, each or any of these plans, if adopted, would prove delusive to the agricultural interest. Sir, it is quite impossible to suppose, that, in a state of extreme pressure, with famine in your streets, in your workshops, and your cottages, the government could continue to levy any such duty, whether of 5s. or of 10s., at the out-ports, on the importation of foreign corn. Either the parliament, if sitting, would feel itself bound to interfere, under the pressure of such an emergency, and would suspend such duty; or, if parliament were not sitting, the executive government would assume the discretion to suspend it. The objection, therefore, to this mode of protection seems to be, that it does not answer its purpose; that it admits, indeed, the principle of protection, but does not carry it, in all cases, into effect.

On the other hand, Sir, what is the qualification which they, who contend, in supporting their side of the question, for perpetual prohibition, proposed? They are for perpetual prohibition, mitigated only by the occasional interference of parliament, or the executive government. They appeal from legislation to discretion—they are unwilling to take that step now, which their own admission, that it may be to be taken hereafter under the pressure of necessity, clearly shows that they contemplate, as probable; and they either impose upon parliament the duty of legislating under a dire emergency, or upon the executive to exercise a discretionary power of suspending that prohibition, which prohibition they contend parliament ought, in the first instance, to enact.

From these extremes, I turn, therefore, to more practical questions. What is the degree of protection that ought to be given to our domestic agriculture? Do the laws, as they are now expressed, afford the precise degree of protection which is desirable? Do they afford it in the best mode? Do they afford it to a proper or to an unnecessary extent?

The law of the year 1815, introduced for the first time, into the legislation of this country, upon the subject of corn, and its importation from foreign countries, the principle of absolute prohibition — I say, Sir, for the first time; and, so far as I know, it was the first time, with only one exception. It does appear, indeed, upon some researches which have been prosecuted into this subject, that (long anterior to the act of 1815—in the time, indeed, of Edward 4th, some three centuries and a half ago) a law was passed; the substance of that law, I collect to have been as follows:—That, whenever wheat should be at a certain price in this country, not only should foreign wheat be excluded from coming into the kingdom at all, but that the wheat grown in the neighbourhood of one town in England, should not be transmissible to another town, where a difference in the price of that commodity prevailed. I need hardly observe, Sir, that I mention this law only because, if I were to say, without qualification, that in 1815, the legislature for the first time introduced this principle of prohibition with respect to the corn trade, I should be liable to be contradicted upon the fact. But, while I am thus citing that ancient law to the House, and very shortly stating its contents, I apprehend that it cannot be very necessary for me to enter into any arguments upon them—such a precedent is not calculated, at this time of day, to weigh much with the House or with the country.

In the year 1815, then, the principle of absolute prohibition, up to a certain point, was adopted by the legislature, and this principle, Sir, was qualified by the opposite principle of unrestricted importation. It does appear to me, on a calm review of the character of that act of parliament —(not at all pretending, that if I had happened to be among those, from whose deliberations that measure proceeded, I should have been at all wiser than my neighbours) -- it does appear to me, Sir, as if this was an experiment to combine the most opposite principles in one and the same act of legislation. In the act of 1815, Sir, here is absolute prohibition, up to 80s.;

but the moment you turn the point of 80*s.*, you arrive at unlimited importation.

Now, what was the consequence of this measure? Not that the extreme forces produced, by their operation, a mean power, and went on amicably together; but that, each in its turn prevailed with its own peculiar mischief—and that you had, within the extent of seven years, from 1815 downwards, every result that could deter men of observation and experience, from ever resorting again to the principle either of absolute prohibition, or of unlimited importation; and, most undoubtedly, from any attempt to unite again the two together.

Let us now inquire what was the operation of this law? It passed, as I have said, in 1815. I say nothing at present of price; I shall come to the consideration of that point presently. The law of 1815 imposed absolute prohibition up to the price of 80*s.* The harvest of 1816, it is well known, was one of the most unfavourable that this country ever experienced. It was known to be so, as early as the beginning of August in that year. It was on the 15th of August, 1816, that that average of prices was to be prepared, which was to govern the question of exclusion on the one side, or importation on the other, for the next three months. On the 15th of August, the price of wheat was above the importing price of the law of 1815; but it had not been so for a sufficiently long period, to give an average price above the importing price. The result was, therefore, that the ports remained closed during three starving months from August to November, 1816; and did not open until the 15th November of that year, after the price had been for about fifteen weeks, above the importing price, and when all the northern ports of Europe were shut against supply. The ports opened in November, 1816, and remained open till the November of the following year; when they closed, the average price being less than 80*s.* by the fraction of 5*d.* The harvest of the year 1817 having been nearly or quite as bad as that of 1816, we had again a scarcity of supply, but the ports thus closed in November, 1817, of course did not open until February, 1818.

Although the harvest of that year (1818) was most abundant, not only in this country, but in all the corn-growing countries of Europe; yet, by some accident, or by some contrivance, the ports were continued open on the 15th of November, 1818, by a fraction of 2*d.*: and, by consequence, for the next three months, from November, 1818, to the quarterly average of February, 1819, an extraordinary influx of foreign corn continued to inundate the country, already inundated by a plenty of its own growth; prices were, in consequence, depressed to an extraordinary degree. Indeed, the effect of these three months' importations, produced, as I have said, by a fractional difference of 2*d.*, was felt in the depreciation of the market for the three succeeding years.

Thus, by the system of 1815, the ports were shut when the supply at home was deficient, and when the introduction of foreign grain was loudly called for—and opened when the home market was glutted, and when it was most expedient to shut out foreign supply: and the one operation and the other were produced by fractions of 5*d.*, and of 2*d.* respectively.

The consequence, then, Sir, of setting these two extreme principles in action, of setting them in conflict with each other, was this—that each class of the community, in its turn became a sufferer; and that each class applied to this House for relief. We all remember what the summer of 1817 was. And any hon. gentleman who will take the trouble of turning back to the Journals of this House, will see with what hundreds of petitions our table was loaded, in the years 1819, 1820, and 1821, when the agricultural interest was suffering from the extraordinary fluctuation of prices. The extreme difference of prices during the period for which this system was in operation, that is, from 1815 to 1822, was no less than this—on the one hand, 112*s.* per quarter (this was in the year 1817)—on the other hand, 38*s.* (this was in 1822), being a fluctuation of no less than 74*s.* per quarter!

In 1822, the House listened to the prayer of the agricultural interest, and the law of 1815 was revised. Of that revised law, it may be sufficient to say, that it has never come into operation. It was, nevertheless, in one respect, materially different from the law of 1815. It called duty to its aid; it gave up as a principle, unlimited prohibition, and contemplated a price at which foreign corn might be admitted, under a protecting duty. It admitted importation at 80*s.* first, and afterwards at 70*s.*, at a duty first of 17*s.*,

and afterwards of 12s. But to that revised law was annexed or prefixed a clause, which stood as an outwork, as it were, to prevent the body of the law from being ever approached. This clause retained the provision of the law of 1815, that importation should be prohibited up to the price of 80s.; the consequence of which was, and still is, that we live now as much under the operation of the original provision of exclusion up to 80s., as if the law of 1815 still continued unaltered. The result, then, of the alteration of 1822, has been perfectly null, for the revised law has never come into operation at all.

If, then, unlimited prohibition, or if unrestricted importation, whether singly or jointly, do not afford the proposed protection to agriculture in an unexceptionable manner, and if it be admitted that duty is the better mode of protection, let us now consider the question of duty. Can any fixed duty ever be effectual to answer its own purpose? Take, if you will, Mr. Ricardo's plan; or either of the two other plans to which I have called the attention of the committee, or take either of the duties proposed by the act of 1822, that of 17s., or that of 12s.; and let it be fixed and invariable,—and then see how it will operate. Let us suppose the duty of 12s. to be in question. We find wheat to have been in one year, 112s. per quarter: consider what an aggravation an addition of a duty of 12s. would be of the sufferings of the community, from the high price of corn. In another year, we find the price of the quarter to be 74s. less: consider how small would be the protection to the agriculturist from a duty of 12s. added to 38s.

It seems perfectly clear, therefore, that a duty, to be effectually a protection on the one hand, and not an undue burthen on the other, must vary with the price of corn. The average of prices, for twelve years immediately preceding 1815, was 84s. 5d. The average of the first six years of this period of twelve years, was 72s. 2d. The average of the six years immediately preceding 1815, was 98s. 6d. Now, the price assumed by the law of 1815 was 80s.—This price was taken upon the consideration, no doubt, that as the war was then at an end, much was to be deducted from the price, on account of the cessation of the war expenditure. I think, upon the whole, that that price was fairly chosen: and I mean to affix no blame upon the law of 1815, in this respect.

The average price of corn for the twelve years, from 1815 to the last year, was 64s. 11d.

The average price, for the six years following 1815, was 74s. 2d.

And the average of the last six years of this period, from 1820, was 55s. 9d.

In the year 1822, the permanent price assumed was 70s. I am not disposed to quarrel with it, although it is to be observed, that it goes upon a very different state of things from that which had governed the law of 1815; for it is to be remembered, that the reduction of taxation and of the public expenditure had produced, in 1822, a considerable difference in the condition of the country.

If it be considered, that in addition to the diminution of expenditure and reduction of taxation which I have just noticed, there was, in the year 1819, another material change effected in the state of the country by the act which restored the value of the currency, I think it will be allowed that on the very same principles on which, in the year 1822, the price of 70s. may have been a proper one, 60s. would, for all purposes of justice and equity, to all parties, be sufficient at this moment. 60s. is the medium between the average of the last twelve years, and the average of the last six years of that period; it is the exact average of the last four years. Is it not fair, therefore, to consider this as the price, to which the protection of the agricultural interest should be limited, and which parliament, looking to the principle of its former legislation on the subject, would be justified in fixing? My noble friend, whose researches, and opportunities of inquiring into this subject, have been much more laborious and ample than my own, was of opinion, that 60s. was the price, up to which the landed interest are entitled to protection.

So much, Sir, for the amount; next, as to the mode in which this protection ought to be given. I have mentioned to the committee the reasons which induce me to think that a fixed duty is not the duty to be adopted; that a fixed duty, without reference to variation of price, must at one time be too high, at another too low; and, by the very circumstance that it does not itself vary while the other quantity is perpetually varying, it would be introducing perpetual inequalities. I conceive, that a scale of duties, which

should vary inversely as the prices of corn, correcting the excess, and making up the deficiency, and tending by this alternate aid to their general equalization, would be that which would carry in itself the best chance of general steadiness; a property, which is perhaps the first thing, perhaps even before occasional cheapness, to be considered in legislation on the subsistence of the people.

As to the amount of such duty, the grounds on which any particular amount should be assumed is matter of more detail than I think it expedient at present to enter into; for I am aware, that prices in foreign markets, and many other matters of that nature, should properly enter into such a discussion. Upon the best consideration which my noble friend at the head of his majesty's government was able to give to this subject, he satisfied himself that a protecting duty of 20*s*., where the price of the quarter of wheat is 60*s*., would be as much as it would be reasonable and fair to impose, and not more.

Taking as the mean term of our plan the average price of wheat at 60*s*., and the duty at 20*s*., it is proposed to diminish that duty by 2*s*. for every 1*s*. of increase of the average price above 60*s*.; and, on the contrary, to increase that duty by 2*s*. for every 1*s*. which the average price shall fall below 60*s*. The effect of this scale then will be, that, from the assumed price of 60*s*. up to 61*s*., there will be a duty of 20*s*.; from 61*s*. to 62*s*., the duty will be 18*s*.; from 62*s*. to 63*s*., the duty will be 16*s*.; from 63*s*. to 64*s*, 14*s*.; from 64*s*. to 65*s*., 12*s*.; from 65*s*. to 66*s*., 10*s*.; and so on, until the price having arrived at 70*s*., all duty will cease, and importation be perfectly free, with the exception merely of the nominal duty of registration at the Custom-house. Thus at 65*s*., the duty will be 10*s*.; and at 70*s*., it will cease altogether, and importation be perfectly free. This, Sir, is the ascending scale of price. On the other hand, as to the descending scale, from 60*s*. to 59*s*., there will be an addition of 2*s*. So that, at 55*s*., the duty will amount to 30*s*., in other words, to a prohibitory duty, as it is intended that at that price it should be.

I trust, Sir, that it will be felt that this project has been impartially conceived; and I confess that I can anticipate from those who insist upon a law of prohibition, on the one hand, or from those who insist upon unlimited importation, on the other hand, no objection, but such as must inevitably belong, in their eyes, to every plan of compromise or settlement.

I am aware, indeed, that there is one question which may arise from the statement that I have made; I am aware that I may be asked, by the agricultural body, "If there be any point on which you are prepared to grant us a prohibitory duty, why not, at that point, establish an absolute prohibition?" I will tell you, Sir. In the first place, I think it no light matter, with respect to a subject which has been, not for years only, but for ages, under the consideration of parliament, that there has been no instance, excepting that of 1815, wherein prohibition has been an admitted principle of legislation. Even during a series of years, particularly from 1670 to 1774, when it was the object of parliament, not only to discourage importation, but to encourage the exportation of British corn, that discouragement of importation was carried into effect, not by prohibition, but by duty. In the second place, I must say, that after the experience we have had, under the law of 1815, there is no great inducement to our continuing this innovation (for so I must call it). Thirdly, Sir, it seems to me desirable, that if there is to be a trade in corn at all, it should be conducted, as far as possible, on the principles of other trades, in a sober, regular course, and not by perpetual jirks and impulses arising out of extraordinary emergencies. I am persuaded, that if importation be always free, taking sufficient security against an inundation of the home market, it will flow in a regular, equable current, supplying the real wants of the country, without overwhelming it; instead of rendering the trade, as now, under the principle of prohibition, a perpetual series of alternations between a drought and a deluge.

I think this project will tend to equalize the prices, and keep that equalization of prices steady. The market will indeed assume such a steadiness, that, instead of a fluctuation between one hundred and twelve shillings at one time, and thirty-eight shillings at another, the vibrations will probably be found to be limited within the small circle of from about fifty-five shillings to about sixty-five shillings. The plan will provide against the mischief arising from sudden gluts in the market at

one time, and sudden dearths compelling us to legislate occasionally, in contradiction to our general system of legislation, at another. It will get rid of another evil of very great magnitude—the abuses of the system of averages. If, as I have already stated, we see that a fraction of five-pence one way, and of two-pence the other, shut the ports when they ought to have been open, and opened them when they ought to have been shut, it is impossible not to entertain some suspicion of the soundness of the system by which such inconvenient effects were produced. By this plan, the averages will be declared weekly, and each week's average will govern the duty of the ensuing week; what room can there be, in the course of a week, for deep speculation? In an interval of three months, it is possible for great capitalists to produce an effect upon prices by unfair means. But, under the new arrangement, when the average of one Saturday will be overturned by the average of the next Saturday, what temptation—what opportunity—can there be for the commission of fraud?

This plan will therefore tend to vindicate the respectability of the corn trade, which will assume, even in the eyes of those by whom it has been most suspected, a character more analogous to the regular trade of British merchants in other branches of commerce. The plan will also get rid entirely of the possibility of such an interference on the part of the executive government, which some gentlemen refer to with great complacency as a cure, but which I confess I consider an aggravation of the present system. I am perfectly confident, and so are my colleagues, that we did right some months ago in taking upon ourselves the responsibility of admitting corn not admissible by law. But though we were right in taking care of the public good, we were not unconscious at the time, and we have since received painful information, that while we did a great public good, we did much private mischief. The measure which was adopted to save the country from the suffering which would have followed a scarcity—may have had the effect of injuring more than one private fortune. Honourable gentlemen talk glibly of responsibility, and taunt ministers, as if they would have been incapable of filling their situations, if they had hesitated to exercise an extraordinary discretion in such an emergency. I do not say that, under a similar emergency, we should not be ready to act with similar decision again; but though such an emergency may have justified the exercise of an extraordinary discretion, it is surely incumbent upon ministers to endeavour to prevent a recurrence of it.

These are some of the benefits which this plan presents to the House; and if it should appear upon trial, that interests which are now supposed to be wide as the poles asunder, may thus be approximated more nearly than is now believed to be possible—such a result would be worth all the rest. It will tend to sweeten the ill blood which has too long subsisted between two classes of the community, looking with jealousy at each other, and to unite conflicting opinions as well as interests, which have appeared to be altogether irreconcileable.

These are the principles on which the plan of his majesty's ministers is founded: these are the objects which they propose to carry into effect. I have now only to commit the resolutions which I have to propose, to the judgment of the committee, whom I entreat, to whatever objections they may deem the plan to be liable in detail, to receive it, as it is intended to be, in the light of a peace-offering from my noble friend at the head of the government.

The resolutions are calculated, as I verily believe, to allay jealousies, to terminate disputes, and to convince those who have been long causelessly arrayed against each other, under a notion that their respective prosperities were incompatible, that there is room enough in the world for both, and that their advantages may be doubled by union. In this spirit the resolutions have been conceived, and in this spirit I trust they will be accepted.

The following Resolutions were then put:—

"That it is the opinion of this committee, that any sort of corn, grain, meal, and flour, which may now, by law, be imported into the United Kingdom, should at all times be admissible for home use, upon payment of the duties following, viz.—If imported from any foreign country:—

WHEAT, viz.—" Whenever the average price of wheat made up and published in manner required by law, shall be 60*s.* and under 61*s.* the quarter, the duty shall be for every quarter, 1*l.* And in respect of every integral shilling by which such price

shall be above 60*s*., such duty shall be decreased by 2*s*., until such price shall be 70*s*.

"Whenever such price shall be at or above 70*s*., the duty shall be for every quarter, 1*s*.

"Whenever such price shall be under 60*s*. and not under 59*s*., the duty shall be for every quarter, 1*l*. 2*s*. And in respect of each integral shilling, or any part of each integral shilling, by which such price shall be under 59*s*., such duty shall be increased by 2*s*.

Barley.—"Whenever the average price of barley made up and published in manner required by law, shall be 30*s*., and under 31*s*. the quarter, the duty shall be, for every quarter, 10*s*. And in respect of every integral shilling by which such price shall be above 30*s*., such duty shall be decreased by 1*s*. 6*d*., until such price shall be 37*s*.

"Whenever such price shall be at or above 37*s*., the duty shall be, for every quarter, 1*s*.

"Whenever such price shall be under 30*s*., and not under 29*s*., the duty shall be, for every quarter, 11*s*. 6*d*. And in respect of each integral shilling, or any part of each integral shilling, by which such price shall be under 29*s*., such duty shall be increased 1*s*. 6*d*.

Oats.—"Whenever the average price of oats made up and published in manner required by law shall be 21*s*., and under 22*s*. the quarter, the duty shall be, for every quarter, 7*s*. And in respect of every integral shilling by which such price shall be above 21*s*., such duty shall be decreased by 1*s*., until such price shall be 28*s*.

"Whenever such price shall be at or above 28*s*., the duty shall be, for every quarter, 1*s*.

"Whenever such price shall be under 21*s*., and not under 20*s*., the duty shall be, for every quarter, 8*s*. And in respect of each integral shilling, or any part of each integral shilling, by which such price shall be under 20*s*., such duty shall be increased by 1*s*.

Rye, Peas, and Beans.—"Whenever the average price of rye, or of peas, or of beans, made up and published in manner required by law, shall be 35*s*., and under 36*s*. the quarter, the duty shall be, for every quarter, 15*s*. And in respect of every integral shilling by which such price shall be above 35*s*., such duty shall be decreased by 1*s*. 6*d*. until such price shall be 45*s*.

"Whenever such price shall be at or above 45*s*., the duty shall be, for every quarter, 1*s*.

"Whenever such price shall be under 35*s*., and not under 34*s*., the duty shall be, for every quarter, 16*s*. 6*d*. And in respect of each integral shilling, or any part of each integral shilling, by which such price shall be under 34*s*., such duty shall be increased by 1*s*. 6*d*.

Wheat, Meal and Flour.—"For every barrel, being 196lb., a duty equal in amount to the duty payable on five bushels of wheat.

Oatmeal.—"For every quantity of 252lb. a duty equal in amount to the duty payable on a quarter of oats.

Maize or Indian Corn, Buck-wheat, Beer or Bigg.—"For every quarter, a duty equal in amount to the duty payable on a quarter of barley.

"If the produce of, and imported from any British possession in North America or elsewhere, out of Europe:—

Wheat.—"For every quarter, 5*s*.; until the price of British wheat, made up and published in manner required by law, shall be 65*s*. per quarter.

"Whenever such price shall be at or above 65*s*. the duty shall be, for every quarter, 6*d*.

Barley.—"For every quarter, 2*s*. 6*d*.; until the price of British barley, made up and published in manner required by law, shall be 33*s*. per quarter.

"Whenever such price shall be at or above 33*s*., the duty shall be, for every quarter, 6*d*.

Oats.—"For every quarter, 2*s*.; until the price of British oats, made up and published in manner required by law, shall be 24*s*. per quarter.

"Whenever such price shall be at or above 24*s*., the duty shall be, for every quarter, 6*d*.

Rye, Beans, and Peas.—"For every quarter, 3*s*.; until the price of British rye, or of beans, or of peas, made up and published in manner required by law, shall be 40*s*.

"Whenever such price shall be at or above 40*s*., the duty shall be, for every quarter, 6*d*.

Wheat, Meal and Flour.—"For every barrel, being 196lb., a duty equal in amount to the duty payable on five bushels of wheat.

Oatmeal.—"For every quantity of 252lb. a duty equal in amount to the duty payable on a quarter of oats.

Maize or Indian Corn, Buckwheat, Beer or Bigg.—"For every quarter, a duty equal in amount to the duty payable on a quarter of barley.

"That it is the opinion of this Committee, that all the said duties shall be regulated and determined, from week to week, by the average prices of corn, made up in manner required by law; which prices shall, at the several ports of the United Kingdom, determine the several rates of the said duties, for and during the week next after the receipt of the proper certificates of such average prices at such ports respectively."

Mr. *Western* said, he could not help giving the right hon. Secretary credit for the mode in which he had opened these resolutions, as it was well calculated to afford the House the means of exercising upon them a fair consideration. For his own part, he hoped to be able to lay aside, to a certain extent, his preconceived opinions and established notions upon this subject, and to come to the propositions which had been laid upon the table in the fairest and most deliberate manner. He hoped that time would be afforded the House and the country to consider the novel system which was now proposed. He trusted that the House would well consider the probable danger of interfering with a system which had worked so well for so many years. This measure was in direct violation of the act of 1814, which was founded upon the act of Charles 2nd; the principle of which act had been the admiration of ages. He wished to God that the House had never abandoned the principles on which it had acted with so much success up to the year 1773. Even in 1815, when, owing to the hostility with America, there was no importation of corn, the country was in a better state than when we were at peace with all the world. In 1812, one hundred thousand quarters of corn had been imported; in 1813 we quarrelled with America; and, in 1814, an embargo was laid upon their ports; and, although there was a large proportion of foreign wheat and flour, not one grain entered the British ports. He could not help thinking that the new scale of duties proposed by the right hon. gentleman would, in the end, be more injurious to the landed interest, and more obnoxious to the country at large, than the system which was formerly pursued. Even prohibition would, he conceived, be better for the country than the adoption of the right hon. gentleman's resolutions. He called the recollection of the House to the relative prices of corn and the relative circumstances of the country in the year 1825, and the present. In the former year every class of the community was in the most flourishing condition. What was their condition at present? In that year of general prosperity, 1825, the price of wheat was 68*s*. per quarter. But now, when the circumstances of all classes were the reverse of prosperous, the price of grain was only 53*s*. per quarter; so that the House was called upon, when the average price was from 10*s*. to 12*s*. a quarter less than it was in 1825, and when the manufacturing classes were suffering the deepest distress, to accede to a proposition, the effect of which would be to add to the evils that already existed. Yet the right hon. gentleman had declared, that the effect of his measure would be to reconcile all parties. But merchants and manufacturers would not be so easily reconciled; and no instance could be adduced to show, that the welfare of those two great bodies were not intimately connected. When one prospered, so did the other; and when one decayed, the other decayed also. Having made these few observations, he would not proceed further at that time, but would conclude as he began, with an assurance that he would give to the propositions of the right hon. gentleman the best considerations that he was able. He was afraid that the consequence of these alterations would be bankruptcy to the farmers. The effect of this experiment would, he feared, be to render the farmers as well as other classes, worse off than they were now. If it failed, he was sure it would effect the ruin of the farmers; if they were ruined, distress would press on the labouring classes; and the injury would not stop with them, but extend itself to trade and manufactures. With these opinions he would apply himself earnestly to the consideration of the propositions submitted to the Committee. He hoped that they would be productive of other results than those which he apprehended from them.

Mr. *Ferguson* said, that as the law of 1815 had been tried and had failed, his majesty's ministers should be careful how

they introduced new measures with respect to the importation of corn, and the regulation of its duties. Agreeing, therefore, in the principle of the right hon. gentleman's proposition, as a Scotch representative, he was bound to declare his conviction, that the agricultural interest of Scotland would be ruined if the proposed measure should be sanctioned by the House. He hoped that time would be allowed, in order to collect the sentiments of the country on this momentous question, before any definitive measure should be adopted. Scotland, he hoped, would be heard, for he was perfectly sure that that country would feel the greatest depression and ruin—he repeated the word, ruin—if the proposed suggestions were acted upon.

Sir *John Newport* entirely agreed in the observations of the hon. member who spoke last. On the part of Ireland, he objected to the proposed regulation with respect to flour. It seemed to him to be conferring a premium on the poorer classes abroad, at the expense of our poor at home. This was an erroneous principle, and, on the part of Ireland, he protested against it. He hoped, however, that in the further discussion of these resolutions this point would be seen in its true light.

Mr. *Bankes* said, he rose to ask a question of the right hon. gentleman. What effect did the right hon. gentleman suppose his resolutions would have on the price of grain? Did he think 53*s*., the present price, too high, or too low? What was that price which, in the right hon. gentleman's opinion, would be a fair balance between the producer and the consumer?

Mr. Secretary *Canning* said, he had already stated, that his majesty's ministers were of opinion, that 60*s*. a quarter would be a fair medium price.

Sir *J. Wrottesley* concurred in the general view of the subject which the right hon. gentleman had taken; but he was obliged to differ with him as far as regarded part of its details. He deprecated the scale of duties proposed for barley and oats, and said that, in this respect, the suggestions of the right hon. gentleman were highly questionable.

Mr. *C. Grant* wished to correct a mistake into which the hon. member for Essex had fallen. It was stated, that his right hon. friend had said; that corn at one period had risen to 113*s*. a quarter. His right hon. friend had stated, that since 1815 corn had been at 112*s*. a quarter. In 1817, on the 28th of June, wheat was 112*s*. and on the 22nd of October in the same year it was 38*s*. 1*d*. With reference to the observations of the right hon. baronet, he begged to say that, although the introduction of flour into Ireland had been heretofore prohibited, the proposition which was made that night would not have the effect of throwing open the ports in Ireland to that article to any injurious extent.

Mr. *Whitmore* said, he approved to a certain extent of the measures proposed by the right hon. gentleman, yet he denied that they were of that important nature which the country had a right to expect. He was far from thinking that they would give that satisfaction which the right hon. gentleman anticipated, or that the agricultural and manufacturing interests would flourish under their operation. He thought the duty of 20*s*. when wheat was at 60*s*. the quarter, too high. If the duty were only 10*s*., and that to commence when the price of the quarter was—The hon. member was proceeding to state his objections in detail to the scale of duties proposed by the right hon. Secretary, when he was interrupted by loud and general coughing. Having waited until the noise had subsided, he observed, that if he had come down to the House for the purpose of proposing counter resolutions, he should not have been so much surprised at the interruption he experienced; but, as that was not the case, and as he merely expressed, or was about to express, a very limited opinion, he felt at a loss to account for the interruption. He conceived that the evils of the present system would not be alleviated by the new measure [renewed coughing]. Considerable fluctuations in agricultural produce would be one of its results, and he was convinced that in the end it would prove extremely detrimental to the country. He would not at present, however, go into any details respecting the propositions of the right hon. gentleman; but he hoped that, when those propositions came to be considered, the House would not attempt to stifle the opinions of those members who might conceive it their duty to give a free opinion on the subject, however that opinion might be opposed to the sentiments of those who thought proper to interrupt.

Sir *E. Knatchbull* said, he entertained a very different opinion from that of the hon. gentleman who had just sat down. This was a most important question. It was whether the House should legislate on the principle of prohibition, or admit corn on paying a certain duty; and he thought himself bound to state (for he had given the subject the most mature consideration) that he was in favour of prohibition in preference to duty. That was his deliberate and confirmed opinion; and he took the opportunity of stating it distinctly to the House. There was one observation made by the right hon. gentleman, which, he confessed, had filled his mind with the greatest surprise and distrust. He had stated, that in bringing forward these propositions he had endeavoured to cast the balance in favour of free trade—["No, no," from Mr. Canning.] He was certain the right hon. gentleman said, that the balance of principle, would be in favour of free trade, and the balance in price in favour of agriculture. If the principle of the proposed bill tended to abrogate the Corn-laws—and he was well assured that it would be the first step to the attainment of that object—he cautioned the House how it proceeded to legislate on such a dangerous measure.

Mr. *Canning* wished to say a few words in explanation. The hon. baronet had misapprehended his meaning to a certain extent. He was partly right, and partly wrong. He had not said that he wished to cast the balance in favour of free trade, but merely in favour of trade. The meaning which he attached to that expression might have been ascertained from what he had said on the first topic. It was clear that he, and those with whom he acted, could not entertain the intentions attributed to them by the hon. baronet; because, according to the very principle of those propositions, they had abandoned that measure, by admitting the necessity of a protecting duty.

Lord *Althorp* was of opinion, that the propositions of the right hon. Secretary, so far from being likely to produce mischievous results, would be the means of causing a great improvement in the country, both with respect to its trade and agriculture. He spoke as the representative of an agricultural county, and he felt that it was his duty to protect the interests of his constituents; but he could not perceive that, by supporting the resolutions which had been proposed, he in any way compromised their interests. He repeated his belief that the measure proposed by the right hon. Secretary would be a very great improvement; and he was convinced that the farmers would be eventually benefitted by it. The plan, he conceived, also, would have the effect of putting an end to those rash speculations which were so often ruinous to many. The noble lord concluded by observing that, perceiving the unwillingness of the House to go more fully into the subject at present, he would not enter into any calculations; but he thought that any man who would refer to the returns of the prices of corn which were now on the table, would at once perceive the necessity of adopting some measure to place the Corn-laws on a more just and liberal footing.

Alderman *Thompson* approved of the proposed resolutions although he thought that the price fixed for wheat was too high.

Sir *T. Lethbridge* wished to say three or four words on the question before the committee. Now that he had heard the proposition of the right hon. gentleman, he was free to say, that, though it did not come, with the disadvantages, and in the questionable shape which he had expected, was not quite to his mind; yet, after the dire anticipations and gloomy reports which had reached his ears, there was something of consolation in it for the agricultural interest. He declared himself opposed to the views which had just been disclosed to the committee by the hon. alderman who represented the city of London. The hon. alderman thought that the sum in the scale of prices for the importation of wheat was too high. Now, he, on the contrary, thought that it was too low; and for this reason—that the present measure was an experiment made upon the whole corn trade of the country, and it was impossible to foresee what would be the result of it. As he was one who had always stood up in parliament, not only for the protection, but also for the encouragement of agriculture, he should have liked to have seen the prices fixed at a lower rate whilst the experiment was making. As the committee was not called upon to discuss the proposition at present, he would give his best attention to it, in order that he might fully understand it in all its various bearings and ramifications. At the same time he should consider him-

self as a deserter from the agricultural cause, if he were to say, that he was prepared to agree with the proposition of the right hon. Secretary. He believed that he should be obliged to vote against it; but he would not then say that he would. He wished, before he sat down, to put a question to the right hon. gentleman. Did he understand the right hon. gentleman correctly, when he understood him to say that the averages in future should be made up weekly? If they were to be so made up, he, for one, should be inclined to hail the change as a very beneficial one.

Mr. *Canning* replied, that the averages at present were taken weekly. Instead, however, of taking an average from the average prices of several weeks, he intended that each week's average should regulate the duties for the week ensuing.

Sir *J. Sebright* said, he had devoted much of his time to the consideration of the Corn-laws, and he now gave it as his opinion, that the present proposition was better calculated than any which had preceded it for the purposes it was intended to accomplish. He would not discuss at present the details of this measure, but would content himself with giving his hearty concurrence to the principle on which it was founded.

Mr. *Curwen* asked, whether the improvement in taking the averages was to be extended to Ireland?

Mr. *Canning* said, that there was no intention to alter the existing mode of taking the averages: but there was an intention of so regulating the striking of them, as to prevent the frauds which were at present practised under them. He had no intention of getting rid of the system entirely, as it answered the purpose of obtaining an approximation to the real price of corn throughout the country. He thought that the evils of the present system would be diminished by shortening the period in which the averages were struck.

Mr. Alderman *Wood* observed, that, as the hon. member for Somersetshire expressed himself almost satisfied with the proposition then before the committee, it behoved the members for populous cities to view it with something like a feeling of alarm.

Mr. *Portman* implored the House not to come to a hasty conclusion upon this most important of all important subjects. His object in rising at present was to implore the members of the committee to make up their minds to one point—that protection to agriculture was absolutely necessary to the well-being of the country. He would not then pretend to decide, whether protection to that interest could be best obtained by the existing system, or by that which it was proposed to substitute in lieu of it. He would confess, that he was one of those who preferred protection to prohibition. But there might be peculiarities connected with the trade in corn, which rendered it impossible to concede to the country, that which he would not be unwilling, individually, to concede to it. He was convinced, that unless the committee granted a protection to agriculture up to 60*s.* a quarter, no wheat could be grown, so as to remunerate the grower in the county which he had the honour to represent. He was afraid that a duty of 20*s.* would hardly be found sufficient for the protection of the agriculturists. If it were not, the importation of foreign corn would tend to throw the poor lands of the country out of cultivation; and if they were thrown out of cultivation, the labourers must be thrown upon the poor-rates; and such an occurrence could not fail to lead to a very lamentable catastrophe. He would beg leave to ask a question which he considered to be very material; and that was, whether the quarter of wheat was to be reckoned by the Winchester or the imperial measure?

Mr. *Canning* replied, that the quarter was now reckoned by the Winchester measure, and no alteration was intended in that respect.

Colonel *Wood* said, that as some gentlemen had stated the scale of duties to be too high, whilst others contended that it was too low, it might, perchance, turn out, that ministers had acted very wisely in fixing on a medium between the two parties. At the same time, he must say, it appeared to him, that if agriculture was to be supported by protection, and not by prohibition, the scale of prices was too low. He implored the committee to recollect, that the farmers were at present in a very critical situation; and that if it now took a wrong step, it might create such a depression in every species of agricultural produce, as would produce the greatest distress. He believed that the safest mode of proceeding was by prohibition, and not by protection.

Lord *Milton* rose to express his appro-

bation of the measure then under the consideration of the committee. Without saying whether the proposition was perfect in its present shape, or whether it could not be made more perfect by future modifications, it did appear to him to be a great improvement on the present state of the law; and that if there was one class more than another to whom it was likely to be advantageous, it was that class which was engaged in agriculture. The present system of alternation between high and low prices, injurious as it was to the other classes of his majesty's subjects, was absolutely destructive to agricultural interest. He could not sit down without expressing a hope that, whatever threats might be thrown out by those who were dissatisfied with the proposition, the right hon. mover of it would persist fearlessly in support of it, and would not allow himself to be diverted from a line of conduct, which, whether it was the wisest or not that could be adopted, was still such as to entitle him to the approbation and gratitude of his country.

Mr. *Brougham* said, that in rising to address the committee on the present occasion, he had no intention to anticipate the full debate, which he allowed would come on more appropriately at another season. He trusted, however, that the debate would come on at such a period as would enable those who were obliged to leave town for the assizes to take a part in it. He did not speak of those members whose professional avocations called them out of town, but he alluded to those gentlemen connected with the landed interest, who must be withdrawn on the same occasion. Although that period was now fast approaching, and the propositions had been now submitted for the first time, and although it was desirable that the amplest time should be afforded for consideration and discussion, still, as the minds of all men had long been directed to the principle of this great question, and all the imaginable details of every proposition had received the fullest investigation; and as the propositions before the House, although not in detail, had, in principle, been well considered; and although the proposed period was not very long, yet he considered it fully adequate to the fullest consideration, under the present circumstances. With respect to the proposition itself, he differed from some of the hon. gentlemen who had gone before him; and, although he would not now pledge himself to any opinion, either of approval or disapproval, still there was one observation which he wished to make, with a view to the administering some slight comfort to those gentlemen who, on all occasions, had shown themselves too prone to take alarm at what they considered innovation. They seemed to think, and particularly the hon. baronet, the member for Kent, that the principle of prohibition would be the best and most wholesome kind of protection. But the merit of the proposed plan was, that it combined prohibition with protection. It was in vain to say that, practically speaking, it did not begin at the lower end of the scale with a prohibition; for if there was a price within which wheat could not be imported at a profit—and it was clear that, coupled with the charges for insurance, freight, port dues in this country, and other incidental expenses, there might be such a price—there was an absolute prohibition of importation, when wheat was at that price; so that a measure which in form gave a protecting duty, might practically prove a prohibition. If, when wheat was at such a price, a man imported it without paying the duty, he rendered himself liable to a fine in the Exchequer; and, if he imported it, paying the duty, he would be a loser by bringing it to the English market. He would illustrate what he meant by an example. Let the price of corn in England be 55*s.* per quarter, the duty on corn imported would then be 30*s.*; so that the price of corn bought in the Baltic for 25*s.* per quarter, and subsequently brought to England, would be 55*s.*, independent of the cost of freight, insurance, &c., which would be a dead loss to the importer. Would not, then, the importation of corn from the Baltic be virtually prohibited, whenever the price of corn was 55*s.* in the market? He would also give another piece of consolation to the gentlemen of the landed interest; and when he spoke of the landed interest, he did not intend to speak of it invidiously. He had always deprecated, as absurd and mischievous, the practice of speaking of the landed and the commercial interests as opposed to one another. He held by the doctrine of an able individual, who in the last century had commenced his career in trade, and, by his successful enterprise in it, had made himself a great landholder; he meant sir Josiah Child—that "land

and trade go together—that they wax and wane together, so that it never is well with trade while land suffers, nor well with land while trade suffers." But, to return to the point from which he had digressed. The landed gentlemen admitted, that 55*s.* a quarter in the English market was a prohibition upon importation from foreign countries; but they were not satisfied with it, and wanted more. Now, he would remind them of one fact, which ought to make them satisfied with the present proposition: 25*s.* was the price at which wheat could now be purchased in the Baltic; but supposing the English market to be opened, and the additional demand of the English market to be thrown into the foreign market, then, instead of purchasing wheat at 25*s.*, and then importing it under a duty of 30*s.* into the English market, it would be purchased at 30*s.* and 35*s.* a quarter, and must be imported at that price, under the same duty as before; for the duty was to be imposed, not with regard to the price paid for it abroad, but with regard to the price at which it was selling at home. The corn thus imported would diminish the average at home, and by so doing would increase the protection to the home grower, by raising the price at which foreign grain was to be imported. He did not join in the alarm felt by the agricultural classes; and he had therefore risen for the purpose of giving them the means of relieving it.

Sir *Francis Burdett*, said, he was sorry that this very important question, with which the public mind had been so much agitated, had been so long deferred. He did not, on that occasion, mean to trespass for many minutes on the attention of the House; but, at the same time, he felt that he should not acquit himself towards his constituents, and towards the public generally, if he did not state his opinion with respect to the principle on which the resolutions now introduced were founded; and which would be discussed more at large on a future occasion. His opinion was not completely in unison with that of any gentleman who had delivered his sentiments on the subject; because his views extended, perhaps, further than theirs. He, however, coincided entirely in almost the whole of what had fallen from the noble lord below him (lord Althorp). He was a decided advocate of free trade in every respect; although, in making that declaration, he knew that he must encounter those prejudices which the right hon. gentleman opposite had described as scarcely possible to be rooted out of some minds. He was one of those persons who did not think that a free trade in corn would have the baneful effects which were attributed to it. The right hon. gentleman appeared to lament the paucity of writers in defence of these principles; but he could assure the right hon. gentleman that they had been vindicated by many able writers. A free trade was, in fact, essential to all the great interests of the country. It was alike necessary to the commercial, the manufacturing, and the agricultural interests. And, in his opinion, the whole foundation of the doctrine was truly and strongly combined in the few words quoted by his hon. and learned friend below him, as uttered by a commercial character of great eminence. He did not mean to enter at present into the general subject. He merely wished to give the House an idea of what his individual view was; how he intended to meet the present proposition, and how, when it came in a tangible shape before the House, he would endeavour to deal with it. While he paid due respect to the liberality which characterized the plan of the right hon. gentleman opposite; and, while he fully admitted the intelligence of mind with which he brought forward his proposition, still it appeared to him, that he must go to much greater lengths; although, even then, the right hon. gentleman might not go to the extreme point which he himself was ready to advocate, whenever the proper occasion arrived. He gave great credit to the right hon. gentleman for introducing so liberal a modification of the law; but he did not think it went far enough. He conceived that a more extended system was necessary for the interests of all, and more particularly for the agricultural and landed interest of the country; in the welfare of which he must naturally feel a very great concern. He was not standing up to make a sacrifice of one great interest for the benefit of any other; and he would distinctly say, that if the landed interest and the manufacturing interest were really opposed to each other, he would do his duty as the hon. baronet below him (sir T. Lethbridge) had done, in support of that interest with which he was most nearly connected. He would, in such a case, boldly and manfully maintain his opinions, as the hon. baronet had done;

but he certainly did not view this question as a struggle between these two interests. He trusted that this great discussion would be carried on, as it had been begun, without any feeling of acrimony; convinced as he was, that the two interests were inseparable, and that it was quite impossible for the one to flourish while the other was decaying. Of this he was perfectly satisfied, that neither commerce nor manufactures could succeed, so long as the landed interest was in a state of depression. Whenever the subject should come regularly forward, he should be prepared to maintain those doctrines. It did appear to him, that a mistaken feeling had gone abroad on this subject—that a mistake had been made as to the cause of the distress which prevailed—and that, therefore, those measures had not been taken which were the best calculated for the benefit of the country. It seemed to him to be quite extraordinary, that, during the whole course of this discussion, the price of corn had been solely dwelt upon, while that which altered and affected the price of corn, namely, the state of the currency, had not been adverted to. Every gentleman had enlarged on the price of corn as the great source of dissatisfaction; but no one had touched on the other question. He hoped, however, that, on a future occasion, they would examine the state of the currency, which was, in fact, the root of all the evils under which the country laboured.

The House then resumed, the chairman reported progress, and asked leave to sit again.

HOUSE OF COMMONS.

Friday, March 2.

CATHOLIC EMANCIPATION.] Mr. *G. Dawson* said, he had the honour of being intrusted with sundry petitions against the Roman Catholic claims, signed by numbers of the most wealthy and respectable Protestants of Ireland. The duty of presenting those petitions he fulfilled most willingly and cheerfully. The opinions which he had so often expressed on the subject of those claims remained unaltered; or, he might rather say, had acquired strength. The first petition to which he would call the attention of the House was signed by upwards of twenty two thousand of the resident Protestants in the county of Derry. He was anxious that the House should bear in mind, that this petition was agreed to at a numerous meeting of gentlemen of the county, who were desirous of giving a marked contradiction to the statement which had been so often and so triumphantly made; namely, that the Protestants of Ireland were almost unanimous in favour of the Roman Catholic claims. The example which was thus set had been, he was happy to see, followed by the county of Antrim, one of the largest and most wealthy in the north of Ireland. The House would receive similar petitions from the counties of Tyrone and Donegal; and he himself should have the pleasure of presenting petitions that night, from the Protestants of the county of Westmeath and even of Wicklow. These petitions were signed by peers, by clergy, by country gentlemen, as well as by the yeomanry—by the yeomanry he meant a class of substantial farmers, who were independent, not only of their landlords, but also of their priests. These petitioners, in particular, complain of the pestilential influence of the Roman Catholic priesthood on the population. This was not the proper opportunity for doing so, but when the occasion should arrive, he was prepared to adduce instances of the gross abuse of their spiritual power on the part of the priests that would excite the astonishment of the House; and, if the people of England, after hearing these abuses detailed, should be content to allow them to continue, they must take the consequences on their own heads. The spirit of insubordination, the turbulence, the violence, which had marked the conduct of the population of Ireland were, he could show, attributable to the influence of the priests and the Catholic Association. He agreed with the petitioners, that nothing could be more injurious, nothing more fatal to the peace and prosperity of a country, than the existence of such a body amongst its population, as that Association—an illegal, unconstitutional body, that by encouragements and threats induced disaffection on one side, and produced terror on the other. It was stated in the petition from Galway, by the Protestants who signed that petition, that they had been formerly favourable to the Catholic claims, but that since the Association had sprung up, and since they had seen the mischiefs which it produced, they felt themselves bound to relinquish their former opinions, and to pray that the law

might be strengthened for the purpose of putting down the Association. Such, in fact, was the feeling which had been expressed, from one end of the kingdom to the other. He had heard a great deal about oppressions and privations; but who were the really oppressed party in Ireland? Every gentleman acquainted with that country must know, that it was not the Catholic who was oppressed, but the Protestant. Gentlemen might smile, but he appealed to the experience of every person connected with Ireland, if he was not justified in saying that, in consequence of the illegal influence acquired by the Catholic Association, every Protestant was kept in continual terror for his property, The time was come when those Protestants should speak out and he trusted that they would express their feelings without delay.

Mr. *James Grattan* said, he rose to answer the inflammatory, or what would be called in Ireland the seditious, speech of the hon. member for Londonderry. That hon. member had taken upon himself to state that of the county of Wicklow which was not the fact; namely, that the feelings of the people of property there were inimical to further concessions to the Roman Catholics. This was not the fact, neither was it the fact that the yeomanry represented the proprietary of that county. There might be good reasons why the Protestant yeomanry were unfriendly to the Catholic claims, seeing that in the rebellion of 1798, they had imbibed notions that the Catholics were pursuing objects incompatible with their safety; but these were prejudices which they would soon relinquish, if their feelings were not inflamed by such speeches as the House had heard that night. He distinctly denied that the majority of the Protestant proprietary of Wicklow was unfriendly to the Catholics. He was himself no admirer of the Catholic Association, because he thought, however great their wrongs, that their zeal was sometimes intemperate. Many things were said and done by the Association, which had better be left alone; but still he hoped that that body would persevere in the pursuit of their lawful and laudable purposes, not by intemperance, but by moderation and firmness. The hon. member had stated, that the Protestants were the oppressed party in Ireland. He called upon the hon. member to name any instance in which Protestants had been oppressed. In what cases had they been turned out of the court-house, and obliged to hold their meetings in a miserable hovel of a chapel? With respect to the conduct of the priests, in setting the tenants against their landlords, he had not inquired into these matters; but he had no hesitation in saying that any Catholic landlord who voted for an anti-Catholic candidate was a bad landlord.

Lord *Normanby* said, that although he was not immediately connected with Ireland, he nevertheless felt a strong interest in every thing which concerned that country. Being a warm friend to the important question which was shortly to be discussed, he could not help thinking that the speech of the hon. member for Derry, furnished the strongest argument why the present state of things should no longer continue in Ireland. For when that hon. member, who himself formed a part of his majesty's government, stated that an attempt had been made by that government to put down the Catholic Association, which still existed, and when he stated, and no doubt truly, that a Protestant could not sleep safely in his bed in Ireland, he would ask him, whether he could conscientiously vote for the continuance of a system so insufficient and so mischievous?

Mr. *G. Moore* supported the petition.

Mr. *Proby* said, he had lived amongst the Protestants of property, in the county of Wicklow, and he was enabled to say that their opinions were not adverse to the Roman Catholics.

Mr. *Brownlow* said, he would take that opportunity of stating, that he had received a letter from the colleague of the hon. member for Derry, stating that he was preparing to send him a petition, signed by 3,000 persons in the county of Londonderry, in favour of Catholic Emancipation. The letter begged of him to present the petition, and, as he presumed it was now upon its way to him, he thought this was not an unseasonable moment for stating, that such a document was in existence. He hoped to receive it before the discussion upon the question came on.

Sir *George Hill* asked, whether the petition alluded to was from the Roman Catholics or the Protestant inhabitants of Londonderry?

Mr. *Brownlow* replied, that it had merely been stated to him, that the petition was signed by 3,000 persons.

Sir *George Hill.*—I venture to say there are not two Protestant names to it.

Mr. *Dawson* now presented several petitions from the county of Wicklow; and, amongst others, one purporting to be the petition of the county. In introducing them, he said that such was the feeling of the petitioners, that they had expressed their determination to resist any further concessions being made to the Roman Catholics.

Sir *John Newport* requested that the passage to which the hon. member alluded might be read.

The clerk was reading the Wicklow county petition, when

Mr. *Dawson* interfered, and said, that the passage which he had quoted in his speech was to be found in another petition from a parish in Wicklow. The words were, that the petitioners "deprecated the proceedings which were now taking, by misrepresentation, to carry a measure called Catholic Emancipation, or rather Catholic domination in Ireland.

Sir *John Newport* said, that this was another instance in which statements had been made which were not borne out by facts. The hon. member for Derry had stated, that the petitioners were determined to resist any attempts made by the Catholics to obtain a restitution of their rights; but, upon reference to the petition, no such sentiment was to be found. Much had been said of the intemperance of the Catholic Association, but he was sure there never was there a member of that body who exceeded in violence of language or temper the speech which the hon. member had made to the apprentice boys of Derry. If he (sir J. Newport) were to make such a speech to a Catholic assembly in the south of Ireland as the hon. member for Derry made to a protestant meeting, he would be charged with a design of exciting civil war in Ireland.

Mr. *Dawson* said, he entertained a very great respect for the right hon. baronet, as all were bound to do who had observed the right hon. baronet's public life, but still he thought it too much of the right hon. baronet to presume upon that respect, and charge him with making seditious speeches to his constituents in Ireland, and in his place in that House.

Mr. *Henry Grattan* asked whether the Wicklow petition was the emanation of a county meeting?

Mr. *Dawson* said, he could not say. It had been transmitted to him by a gentleman of great property; but it was not stated whether it was agreed to at a county meeting or not.

Mr. *Henry Grattan* said, that though he did not represent the county of Wicklow, he possessed property enough in it to know that this petition was not agreed to at a county meeting. He should have a petition shortly to present, which would speak the real sentiments of that county. It was not to be wondered at, that a spirit of hostility to the Catholic claims prevailed in Ireland, when such pains were taken to keep it alive.

Ordered to lie on the table.

Catholic Emancipation—Petition of the Roman Catholic Bishops of Ireland.] Sir *William Plunkett* rose, in consequence of the notice which he had last night given, to present the petition of the Roman Catholic Bishops of Ireland, praying for a repeal of the disabilities which affected their body. He was, he said, particularly anxious to call the attention of the House to this petition, because of the important information which it conveyed, the great respectability of the persons from whom it came, and who were entitled to every consideration from that House. It was not only the high station and character of these petitioners which gave them that consideration, but the opportunities which they had of possessing an intimate knowledge of the situation of the people, of whose views and wants they were the most competent judges. They stated, that they felt the greatest reluctance in coming forward in any manner to participate in the consideration of a merely political question; but they added, that they should be wanting in duty, both to the government and to the people, if they abstained from communicating their sentiments at the present crisis. They stated, that they should be wanting in their solemn duty, if they did not, at this alarming moment, raise their warning voice against the continuance of disabilities which prevented them from discharging their proper functions for the people. They pointed out the deep sense of degradation under which the Catholics laboured, and the galling superiority evinced by their Protestant brethren, in many instances not so meekly as it were to be wished it should be evinced. The petitioners did, in the most solemn and deliberate manner, refute

those calumnies which had been thrown upon them, and they repeated, once more, what they had before declared upon their oaths. It had been asserted, that their religious tenets precluded them from being good subjects, good citizens, or good members of society. Nothing could be more incorrect than these assertions; and whatever opinions hon. members might entertain upon the great question, he was quite sure that every impartial person would join with him in giving these respectable individuals credit for that good order, and that propriety of conduct, which had always characterized the body to which they belonged. If the laws were obeyed, in Ireland, as they now were, it was owing mainly to the exertions of the great body of the Catholic clergy; and to them the quiescence of the people was to be attributed. It was quite impossible that any extensive public body should be without some slur upon their conduct; but he would contend that, with respect to this body, impropriety formed the exception, and that any dereliction from duty in individuals was always reprimanded by the great body as soon as it was pointed out to them. He would not trespass any further on the attention of the House, but he trusted that they would not think their time thrown away in hearing the petition read. He would now move that it be brought up.

The Hon. *George Agar Ellis* rose and said;—It is certainly not my intention, upon the present occasion, to trouble the House with any general arguments in favour of Catholic emancipation; being well aware, that a fitter occasion will occur, if I am inclined so to do, in a few days, when the question will be fairly before the House. I only wish to call the attention of the House, for a few moments, to one point alluded to in the petition just presented by the right hon. gentleman, from the Roman Catholic prelates of Ireland; namely, that which referred to the danger of any longer withholding from the Catholics the concession of their claims. Upon this subject, I am, I own, most anxious to take this earliest opportunity of imploring the House and the country, to weigh well the consequences of the decision to which they may come next week; and to believe that the question never came before them so fraught with vitally important considerations as it does at the present moment. I feel that as an individual member of parliament, I am undoubtedly a very humble and a very unimportant one; but I consider that I stand before the House upon the present occasion, not only in that capacity, but also in that of the representative of a large property in Ireland, and as therefore peculiarly interested in the peace and prosperity of that country. In that capacity I deem it an imperative duty to state to the House my conviction that, upon the decision of the legislature this year, with regard to the Catholic claims, depends perhaps exclusively the future well-being of Ireland. I consider that country to be upon the very brink of an awful crisis, from which nothing can save her, but the passing of this great question, and the consequent appeasing of the alarming and universal irritation, which at present prevails there. It is even possible, I tremble to think, that such may be the case, that we may be even now too late to prevent the crisis I apprehend; but certain I am, that our only chance of preventing it will be in the forthwith granting to the Catholics of Ireland their long withheld rights. With regard to the fate of the question in this House, I have sanguine hopes; grounded upon what has taken place upon the same subject in former parliaments; but I own I wish that my voice could be heard not only here, but even penetrate to another place, and that it might act as a warning denunciation to the ears of the blind opponents of this measure; of those men who either cannot or will not see the threatening signs of the times. To those men I would address myself. I would entreat, I would beseech, them to open their eyes to what may and probably will be the consequences to Ireland and to England of the rejection of this measure. I implore them to consider, that this is probably the last time that they will be asked for this boon, with the sword remaining still in the scabbard: that this is, perhaps, the last opportunity they will have of doing this act of justice, and at the same time of preventing much bloodshed, great misery, and even civil war. I have now sat for some years in parliament, and have never yet troubled the House upon this subject, except when, upon one occasion, I seconded a motion of the right hon. the Secretary for Foreign Affairs, for restoring the Catholic peers to their seats in the other House; but I have felt it a duty I owed my country upon the present occasion, to declare my

opinion of the vast, the peculiar importance which this year attaches to the decision of this long agitated question.

Sir *George Hill* said, that with the objections which he entertained to these claims, it was impossible for him to refrain from one or two observations, in opposition to the panegyric which had been passed on the Roman Catholic clergy. It was notorious in Ireland, and it ought to be quite as notorious in this country, that the whole body of the Roman Catholic clergy had identified themselves with the Catholic Association; that it had joined them in all their schemes and projects; and that the demagogues and agitators of the public peace by whom that association had been established, were upheld and encouraged by them. He would ask the House to look over the petition, and see if the name of Dr. Doyle was attached to it? Was the name of that individual attached to it who was so well known in Ireland by the initials I. K. L.? He did not mean to dispute with his majesty's Attorney-general for Ireland the cause of the peace of that country; but he would ask where the Roman Catholic clergy were from 1819 to 1823, when the western and southern parts of Ireland were in a state little short of rebellion? Did they put down those disturbances? No. They were put down by a two-fold number of troops. He had attended the trials in the south of Ireland for a conspiracy; and it was proved upon those trials that seventeen counties had sent delegates to a meeting, the object of which was to separate the two countries; but he had never discovered that the Roman Catholic clergy had used any means to prevent such meeting, or to divert the people from the object which they had in view.

Mr. *H. Maxwell* said, that he also found it impossible to agree in the panegyric which had been passed upon the Roman Catholic clergy of Ireland. What had been their conduct during the last general election? He was prepared to prove, that, so far from confining themselves to their religious duties, they had been wholly occupied in political matters. Relative to their conduct upon this occasion, he had many facts, supported by affidavit, which, if he were to relate the whole of them, would astonish the House. It was well known, that their agents went through the country sowing the seeds of dissention between tenant and landlord, by making the former vote for the candidates whom the priests had put forward. He had himself beheld the priests heading large mobs, and heard them exciting the Catholics, by the most seditious and inflammatory language. He had seen them driving the people to the hustings, and attending them to the polling booths, one priest being before and one behind them. He would relate to the House a fact respecting one of the priests, which was supported by affidavit. There was a freeholder who had voted contrary to the wishes and directions of a priest, and who was blind of one eye. This misfortune, severe enough of itself, ought, it would be supposed, at least to have protected him from insult. The priest, however, was of a different opinion, and after the election was over, he one day called out to the people, from the altar, and said, "Look at that blind-eyed rascal who voted so and so at the late election. He is blind of one eye, and he shall never open it but in the flames of hell." He had so many facts, stated on oath, respecting this priest, that he would mention his name to the House. He was the rev. Patrick Corr. The same priest had also said, that he (Mr. Maxwell) and his hon. colleague "should be damned to all eternity, and might his curse light upon them and the curse of God likewise." He would not trouble the House with any further instances of this nature; but he would contend, that so far from the conduct of the Roman Catholic clergy of Ireland deserving the approbation of the country, the fact was the very reverse. They had opposed every measure which had been set on foot for the education of the people and for the improvement of their moral state; but, notwithstanding this, no less than from seven to eight hundred persons in the county of Cavan had renounced the errors of Popery. He would ask if the name of Dr. Doyle was attached to this petition? If so, he would take the liberty of reading a letter from Dr. Doyle to lord Farnham. The hon. member then read the letter, in which Dr. Doyle stated it to be his firm opinion, that the established church in Ireland must fall sooner or later, and that the concession of the Catholic claims would accelerate this desirable object; that the established religion was an incubus on the nation; that it resembled the worship of Juggernaut, and that it derived no weight or strength whatever, either from merit, from reason, or from justice. The hon. member

concluded by expressing a hope, that the people of Ireland would be shortly emancipated from the power of their priests, and learn to think for themselves. Ireland would then be in a very different state to what it now was. The Catholic would join with the Protestant in friendly intercourse, and England and Ireland, no longer separated, would form one happy country.

Mr. *Maurice Fitzgerald* said, that an expression of his right hon. friend the Attorney-general for Ireland; namely, that the peace and tranquillity of Ireland were mainly attributable to the Roman Catholic clergy, had brought up several hon. gentlemen, who had endeavoured to invalidate this position. The House must certainly have perceived that it was a matter of mystery that persons connected with the government should come forward with such conflicting and contradictory statements. He would endeavour to explain that mystery. The two hon. members, the one for Derry and the other for Cavan, had given the House a very fair display of the spirit which prevailed in the north of Ireland; namely, hostility to the priesthood. He did not mean to impute any thing improper to either of those hon. members, but with this hint the House would readily see why, in the counties of Derry and Cavan, Catholics could not be less or more than men, and why it was unreasonable to expect any thing from them but a corresponding hostility. The right hon. baronet had uttered expressions, by which he imputed almost treason to the Catholic prelates of Ireland. But how had he supported his assertion? He had contented himself with merely denouncing an individual, Dr. Doyle. The case of the hon. member who followed him, about the freeholder with one eye, appeared to him to be a case calculated rather to come before an election committee under the Grenville act, than for any other purpose that he was aware of. The sum of that hon. member's objections to the Catholic priesthood of Ireland was, that they interfered with the election. Now it appeared to him to be very unreasonable that Catholic priests should be refused an interference, which was constantly exercised by the Protestant clergy. If it was improper in the one, by what argument was it attempted to be shown that it was proper in the other? Was it meant to be contended, that an act was bad when committed by those who had no power at all; and good only when exercised by those who had all the power in their own hands? Neither as a Protestant nor as a politician did he see why the rights of our own clergy should be contended for in this particular, and those of the Catholics be denied. He thought it better that they should both leave these matters alone; if they were to be represented, it had always been his opinion that it should be in their houses of convocation; but, if one was thought proper to interfere, he was perfectly at a loss to conceive any reason why such conduct was to be reprobated in the other. For his own part, he would say, that during the various rebellions and the threats of invasion, he had had an opportunity of observing the conduct of the Catholic clergy, and he must declare, that the restoration of peace and tranquillity in some places, and the preservation of them in others, were almost wholly attributable to that body. It was by their means that, although the French were on the coast of Kerry, his majesty was enabled to withdraw all the troops; and, when the French were in Bantry Bay, he had beheld the peasantry dragging his majesty's cannon with a zeal and ardour which could not be surpassed. He believed that the Protestants were now meeting the Catholic claims with more asperity than they would have met them some years ago; but ought they for that reason to be refused? He thought not. The feeling between them had now risen to a degree of hostility, which it was at once wise and necessary to remove.

Mr. *Wilmot Horton* said, he had no wish to prolong this debate, but he besought the House to look to the terms of the petition before them. The Catholic clergy, by whom it was signed, made a full and candid avowal of their opinions: they stated also, that those opinions (and of this fact the House would judge) were perfectly compatible with the safety of the country, and that therefore they ought to be freed from the political disabilities under which they had hitherto laboured. He was convinced that justice to the petitioners required that those opinions should be examined, and, if they could bear the investigation to which they were to be subjected, there could be no reason for hesitating to accept that solemn sanction of an oath which they offered. He was desirous that the discussion, which was somewhat discursive, should be continued

no further at present, and that the petition should be read.

The Petition was then read. It purported to be the Petition of the Roman Catholic Bishops in Ireland; setting forth,

"That the Petitioners are the spiritual pastors of a large portion of his Majesty's Irish subjects, and suffer with them under the pressure of those penal laws which still aggrieve the entire body of Roman Catholics within these realms; that the Petitioners, instructed by the example of their predecessors, would await patiently and in silence the operation of the wisdom of the House in repealing entirely the remnant of the penal code, were they not excited at the present time by the most urgent motives, to pray the attention of the House to the state of Ireland; that the Petitioners presume to represent most respectfully to the House, that whole classes of his Majesty's Irish Catholic subjects have increased, and are daily increasing in knowledge, in industry, and in wealth, and that a feeling of discontent, which even a partial exclusion, when unmerited, from the pale of the constitution, naturally produces, is gradually gaining strength in their minds; that this discontent, as the Petitioners humbly conceive, tends strongly to diminish that respect which a Christian people should entertain for those who are placed in authority over them, and also gradually to weaken those ties by which harmony is preserved, and happiness promoted in every well-ordered community; the Petitioners beg also to state, that a portion of the people of Ireland who are raised by the law above their fellow-subjects, have exercised their privileges without due moderation, making heavy the burthens, or wounding the feelings of their suffering countrymen; the dispositions of mind which thus prevail upon the one side, by conflicting with those which are excited on the other, produce collision, and hence the relations of civil life are troubled, natural kindness is interrupted in its course, the sources of charity are dried up or perverted, and scenes without a parallel in any other nation are daily and hourly exhibited to every observer, whether foreign or domestic, of Petitioners' unhappy country; but the Petitioners, as ministers of religion, are especially impelled to present their earnest prayer to the House on behalf of Ireland, because in Ireland the blessings of the Christian dispensation, and the labours of the sacred ministry are counteracted by the existing state of the laws, the divine ordinance commanding men to love each other as brethren, and prescribing to every person to do to his neighbour as he would that his neighbour should do unto him, is in that part of the United Kingdom greatly and grievously violated, and it is feared will continue to be disobeyed so long as the laws inflict penalties where there is no moral offence, nor will the voice of the sacred ministry, preaching peace and good will on earth, be duly attended to, until the passions which those laws excite are entirely appeased, until then the Petitioners apprehend that religion, as at present, will be appealed to in Ireland, to justify division, to hallow strife, and to irritate, or render incurable those wounds which it should only be employed to heal; these are evils which, may it please the House, are daily presented to the view of the Petitioners, and to which they entreat them, as the guardians of public morality, to direct their special attention; finally, the Petitioners, who in forming their opinions have been guided by the light of experience, and an intimate knowledge of the dispositions and character of the Irish people, most respectfully, but most confidently, assure the House that, whilst the existing disabilities affecting Roman Catholics continue, whilst one part of his Majesty's subjects is depressed, and another exalted by the law, without reference to talents, to knowledge, to art, to industry, to property, or to public services, no acts of legislation, of whatever kind, can remove the real and efficient causes of those evils which afflict Ireland, nor produce any essential or permanent improvement in her at present depressed and distracted condition; the Petitioners are deeply interested in the peace and happiness of Ireland, their fidelity to the constitution, and obedience to the laws, have been long tried, they are devoted to their King and Country by the strongest attachment, and bound in their allegiance by the most awful and solemn ties; they continue to fulfil the duties of loyal subjects; they have, on several occasions, and in the most express, formal, and authentic shape, and, as they hope, satisfactorily, explained such portion of their religious doctrines as were most frequently misunderstood by their fellow subjects; they have disclaimed anew all

those ambitious views, all those anti-social and disloyal opinions which have so often and so gratuitously been imputed to them, and for this purpose have within the last year adopted, approved, and published a declaration, to a portion of which here following, they earnestly solicit the attention of the House: 'No actual sin can be forgiven at the will of any Pope, or any priest, or of any person whatsoever, without a sincere sorrow for having offended God, and a firm resolution to avoid future guilt, and to atone for past transgressions; any person who receives absolution without these necessary conditions, far from obtaining the remission of his sins, incurs the additional guilt of violating a sacrament;' the Catholics of Ireland not only do not believe, but they declare upon oath, that they detest as unchristian and impious, the belief, 'that it is lawful to murder or to destroy any person or persons whatsoever, for or under the pretence of their being heretics,' and also the principle 'that no faith is to be kept with heretics;' they further declare on oath their belief that no act in itself unjust, immoral, or wicked, can ever be justified or excused, by or under pretence or colour that it was done either for the good of the Church, or in obedience to any ecclesiastical power whatsoever; 'that it is not an article of the Catholic faith, neither are they thereby required to believe, that the Pope is infallible,' and that they do not hold themselves 'bound to obey any order in its own nature immoral, though the Pope, or any ecclesiastical power, should issue or direct such an order, but on the contrary, that it would be sinful in them to pay any respect or obedience thereto;' 'the Catholics of Ireland swear that they will be faithful, and bear true allegiance to our Most Gracious Sovereign Lord King George the Fourth; that they will maintain, support, and defend, to the utmost of their power, the succession of the Crown in his Majesty's family, against any person or persons whatsoever, utterly renouncing and abjuring any obedience or allegiance to any other person claiming or pretending a right to the Crown of these realms; that they renounce, reject, and abjure, the opinion that princes excommunicated by the Pope and Council, or by any authority of the See of Rome, or by any authority whatsoever, may be deposed or murdered by their subjects, or by any person whatsoever; and that they do not believe that the Pope of Rome, or any other foreign prince, prelate, state, or potentate hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm; 'they therefore further solemnly, in the presence of God, profess, testify, and declare, that they make this Declaration, and every part thereof, in the plain and ordinary sense of the words of their oath, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted by the Pope, or any authority of the See of Rome, or any person whatsoever, and without thinking that they are or can be acquitted before God or man, or absolved of this declaration or any part thereof, although the Pope, or any persons, or authority whatsoever, shall dispense with or annul the same, or declare that it was null and void, from the beginning;' After this full, explicit, and sworn Declaration, the Petitioners are utterly at a loss to conceive on what possible ground they could be justly charged with bearing towards our most gracious Sovereign only a divided allegiance; 'the Catholics of Ireland, far from claiming any right or title to forfeited lands, resulting from any right, title, or interest which their ancestors may have had therein, declare upon oath, that they will defend to the utmost of their power, the settlement and arrangement of property in this country as established by the laws now in being;' 'they also disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment, for the purpose of substituting a Catholic Establishment in its stead; and further they swear, that they will not exercise any privilege to which they are, or may be entitled, to disturb and weaken the Protestant Religion and Protestant government in Ireland, whilst the petitioners have, in the foregoing declaration, endeavoured to state in the simplicity of truth, such doctrines of their Church as are most frequently misunderstood or misrepresented amongst their fellow-subjects, to the great detriment of the public welfare and of Christian charity, and whilst the Petitioners have disclaimed anew those errors or wicked principles which have been imputed to Catholics, they also avail themselves of the present occasion, to express their readiness at all times to give, when required by

the competent authority, authentic and true information upon all subjects connected with the doctrine and discipline of their Church, and to deprecate the injustice of having their faith and principles judged of by reports made of them by persons, either avowedly ignorant of, or but imperfectly acquainted with, the nature of their Church Government, its doctrines, laws, usages, and discipline;' the Petitioners, referring not alone to the sentiments and doctrines here professed or disclaimed, but also to the tenor of their lives as well as to that of their predecessors, the Prelates of the Roman Catholic Church in Ireland, are unable to discover any cause on their own part, or in the doctrines of the Church to which they belong, on account of which, the wall of separation which still divides the inhabitants of the same country should not be taken down, and the interests and affections of all his Majesty's subjects knit indissolubly together; the Petitioners make this their most earnest and respectful appeal to the House on their own behalf, and on behalf of their fellow subjects of every religious denomination, whose interests are best promoted by being combined, but above all on behalf of their King and Country, that his Majesty may be enabled to act as the father of all his people, and the peace and happiness of his kingdom be reckoned permanent and secure; May it therefore please the House to concur in repealing those laws, which continue to aggrieve the Roman Catholics of the United Kingdom."

Mr. *George Dawson* said, that although he had no wish unnecessarily to lengthen the discussion, he was induced to make a few observations, in consequence of the importance which the Attorney-general for Ireland had conferred upon the petition by having it read at length. There could be no question that it would form an important feature in the debate which was fixed for Monday, and he was therefore desirous that its tendency and merits should be fully understood. The petitioners stated, that the surety which they offered for their good intentions ought to be received; but never yet had any means been discovered, by which the allegiance of the Roman Catholic priesthood could be bound. There were numerous instances on record, in which the Roman Catholic clergy had proffered an oath to confirm the allegiance which they professed, and had afterwards withdrawn that oath when the power of the Pope was opposed to that of the monarch whom they had sworn to obey and to serve. In the reign of James the 1st, particularly, the oath of allegiance was tendered to the Roman Catholic priests, just after the discovery of the Gunpowder Plot. All the Catholic prelates, and even the Pope's legate in this country, took the oath, and it was then sent to Rome to receive the sanction of the Pope; but, as it was found that the oath denied the Pope's power of deposing kings, it was sent back again; the persons who had agreed to take the oath were ordered to recant, which they did; and the oath of allegiance was never taken. This fact ought to be recollected as often as the House was called upon to legislate for the Catholics. In the year 1808, to take a more recent instance, a declaration was signed by four metropolitan, and six other bishops, consenting that the king should have the power of giving a veto in the election of their bishops. This declaration received the sanction of a great number of Catholics and their friends. Dr. Milner, their champion and advocate, lord Grenville, Mr. Ponsonby, and many others, had declared their approbation of it, and it was regarded generally as the means of settling the Roman Catholic claims. At the very moment when this declaration was beginning to have the effect, which it was intended to have, these bishops turned round and recanted. These things were matters of history; and he should think he neglected his duty to the House, if he did not, as often as such petitions as this should be presented, recall these instances of the shameful tergiversation of the Roman Catholic clergy. They professed sentiments of attachment to the constitution, and of respect for the religion of the country in this petition; and yet in the letter which the hon. member for Cavan had just read, Dr. Doyle had described that religion as an *incubus* on the nation, and had compared its worship to that of the idol Juggernaut, to which human victims were sacrificed. And yet, after this, the same Dr. Doyle came to add his voice to the expressions of attachment and respect he had alluded to! He had had occasion before to notice some of the inconsistencies of that right rev. prelate, but never had the occasion seemed to him more urgent, or the inconsistency more glaring, than the present;

and he was convinced that, if the House did not look earnestly and closely to the condition of Ireland, influenced as it now was by the Roman Catholic priesthood, they would find themselves exposed to dangers from which a retreat would be impossible.

Lord *F. L. Gower* said, that the hon. gentleman who had just spoken appealed to history in support of his opinions. But there were two ways of appealing to history. The one was to swallow down every imputation made, without taking the trouble of examining it; the other was by a free investigation of facts, and that in the spirit of Christian charity. When any of the members for Ireland mentioned the penal laws, and, on the part of their constituents, called for the repeal of them, they were answered, that there were no such laws in existence. Either all these laws should be abrogated, or those that were repealed should be again re-enacted. But, was there any man now who would dare to propose the re-enactment of those laws? Was it fair to suppose that education and the light of truth had flashed on the minds of Protestants only, and that not one single ray had penetrated the obscure bosom of a Catholic? He did not stand up there as the advocate either of the rev. Patrick Corr or of Dr. Doyle. They might have their faults, as all men had. It was not to be denied that great and tremendous power devolved on the Catholic clergy. But, under what system and code of laws did they possess that power? The hon. member for Cavan had told the House that it was their duty to encourage the conversion of the Catholics in Ireland -that conversion was the only remedy for the evils of that country. He applauded the suggestion of the hon. member; but it was not a new one. In the time of Charles the Second, the same suggestion was made by lord Tyrconnel to lord Bellasis, when Charles sought to reduce Ireland to subjection. Lord Tyrconnel told him, that the only remedy was to convert all the people of Ireland to the Catholic faith; on which lord Bellasis observed to Charles, that lord Tyrconnel was fool and madman enough to risk the loss of ten kingdoms for the sake of converting one soul.

Sir *William Plunkett* said, that after the speech of the noble lord he would have been well contented that the subject should drop, but it was impossible for him to let what had fallen from the hon. member for Derry pass without observation. The House would recollect that, in opening this subject, he had abstained from touching on any of the topics which belonged to it; wishing that as little as possible should be said on them until Monday, which had been fixed for the discussion of the question, and being desirous not to excite any feeling on the subject before that day: he did hope, that the members of the House would cordially have joined him in the testimony which he bore, and which his conscience obliged him to bear to the loyalty, good conduct, and constitutional principles of the great body of the Catholic clergy of Ireland. He repeated, and there had not been any attempt to contradict the assertion, that they were distinguished for uniform loyalty and obedience to the laws. But the hon. gentleman, in the observations which he had thought fit to make had resorted to a method of dealing with them which was wholly unfair and unwarrantable, and which, if applied to any class of individuals, however great their collective respectability, would be much more than they could bear. He said, and he said it without the possibility of being contradicted, that the great body of the Catholic clergy of Ireland, who possessed a power far beyond what any gentleman not well acquainted with Ireland could form any idea of, had, upon all occasions, displayed a strong attachment to the laws, to the state, and to the king. But, how had the hon. members for the city and the county of Derry, and the hon. member for Cavan, endeavoured to shake this well-earned reputation? By impeaching the conduct of the general body? No, but by bringing to the notice of the House, some circumstances which they did not approve of, in the conduct of individuals. If any person were to follow a similar course with respect to the great body of the Protestant clergy of Ireland, and should seek to impeach the whole body, by dragging before the public view the excesses of any one individual belonging to it, was this a test which they could abide by? Such a practice would lead to an odious and unsatisfactory system of recrimination, into which he would not condescend to be led. But the use which had been made of it, showed its tendency to exasperate prejudices, so as to overcome all moral feeling, and to urge gentlemen to make an attack which, on any other

subject than this, their better judgment and better feelings would have induced them to abandon. As to Dr. Doyle's letter, he did not hesitate to say, that he utterly condemned the sentiments which it contained, and the manner in which those sentiments were expressed. But, was the great body of the Catholic priesthood therefore to be condemned? The hon. member for Cavan had said that this letter was addressed to a noble relative of his; but had the hon. gentleman called the attention of the House to the proceedings of that noble relative? He had no doubt that lord Farnham had been induced to adopt that conduct, from conscientious motives. He had taken upon himself to convert the Roman Catholics of Ireland to the Protestant religion. Had he, however, in the crusade which he had thought fit to undertake, done nothing which might have provoked the sentiments and expressions used in the letter which had been alluded to? To the endeavour of converting the Catholics of Ireland, he wished, from the bottom of his heart, the fullest success; but, at the same time, he must add, that it was without the least hope—the pursuit being, in his opinion, the merest chimera that ever bewildered the mind of man. In the prosecution of this design, the persons who were engaged in it proceeded in the usual way; that was, by attacking the religion to which they were opposed, for the purpose of bringing its votaries over to their own. This might be prudent, as far as the attempt to attain their object was concerned; but was it likely to conciliate the clergy or laity of the opposing body? In zeal for the Protestant religion he would not yield to any man; and upon former occasions he had given unequivocal proofs of this feeling; but, his attachment to that religion could not make him insensible of the regard which others felt for the form of religion in which they had been educated. Was it likely that the Catholic clergy should stand quietly, with their arms folded, before their assailants, and make no defence when their religion was impugned? Did any man who was attacked by another, word in hand, content himself with parrying only? Did he not thrust in return? If any men, or set of men, were outraged, could it be expected that they would not outrage in return, and when in addition to this the nature of the contest was considered, the *bellum plusquam civile* which theological disputes engendered, it was not to be wondered at, that the conflict should be carried on with pertinacity and rancour. He had reason to know, and it was his duty to tell the House, that from these disputes dangers must spring, which, he prayed to God, might be averted; but which, if they were not, must be, in their consequences, of a most alarming tendency. He knew that since this wild crusade had been commenced, a determination, which no man could blame, had been formed by the Catholic clergy, to discuss the merits of the two religions; and for this purpose to meet their adversaries openly. This was occasioned by the conduct of the Protestant clergy; none of whom he would at that moment name, but who, not content with exercising their labours in their own parishes, and from their own pulpits, had gone on journies and embassies throughout the country, challenging the Catholic clergy to meet and discuss the doctrines of the two religions, and even appealing to lay tribunals to decide between them. He did not advert to the manner in which they had joined to themselves all descriptions of sectarians and dissenters, whom they had called upon to make common cause with them against the Roman Catholics. The conduct of the Catholic clergy had been abstinent and becoming in a remarkable degree. They had refused to accept the challenges which were thus repeatedly sent to them; and they had, in consequence, been taunted for their forbearance, and told that it sprung from fear of their opponents. That abstinence and that fear, if they ever existed, were now at an end. The Catholic clergy had resolved to accept the invitation which had been given them to discuss the tenets of their faith, and unless the interference of common sense should put a stop to the headlong career of the persons he had alluded to, the whole force of the Catholic priesthood would be called out in this theological warfare. They would have I. K. L.'s, and all the other letters in the alphabet, taking part in the controversy; but was it clear that, after it had begun, this controversy would continue to be merely theological? Was it not to be apprehended, that the Catholic population of Ireland, who had been represented as an ignorant people, under the influence of a strong attachment to their clergy, would not be calm observers of a contest, in which their feelings and their passions, if not their

interests, must be engaged? These disputes were to be carried on in their presence, and they were to be the judges of them. Was nothing to be feared from the excitement to which such displays must give rise? and was this additional ingredient to be thrown into the cauldron of discontent and mischief which was boiling over in that country? He cared not for J. K. L.: he condemned him altogether: but at the same time he could not shut his eyes to the provocation which the noble relative of the hon. member for Cavan had given him. The objections of the hon. member for Derry to the petitioners seemed to be unreasonable beyond all measure. He had taken the pains to collect instances of objectionable conduct on the part of Catholics formerly, and had argued, that because the Catholics of the present day renounced and disapproved of such conduct, they were not to be trusted. This was an extraordinary reason for objecting to them. In former times, such as refused to recant their errors were doomed to the stake and faggot: now, the hon. member for Derry would have them treated in the same way, because they were willing to recant. A great deal had been said respecting the conduct of the Roman Catholic clergy at elections. Did any one in that House mean to say, that such interference was against any principle of the constitution? He thought no one would be found to make such an assertion. He was always sorry to see the clergy taking part in any political question; because it had the inevitable effect of bringing some degree of disgrace or discredit on religion itself. But, if such an interference was bad on one side, it was equally bad on the other; but he did not think the charge in this respect bore so heavily on the Roman Catholic as on the Protestant clergy. The law which laid the Catholics under disabilities and restrictions, excited them to endeavour, by every means in their power, to procure an alteration of that law. The Protestant clergy, who had nothing to complain of, had no such cause for interference. The practice, he was aware, had prevailed in many counties to a great extent; but he knew, also, that a very considerable degree of exaggeration had been used, in representing the interference of the clergy.

Mr. *L. Foster* said, he was desirous of offering a few observations respecting the allusion which had been made to the conduct of his noble relative, as connected with the most extraordinary speech which had been just delivered. His right hon. friend had been particularly mistaken in two points; first, in considering lord Farnham to be the author of the proceeding which he called a crusade, and secondly in believing it to be a chimera. These assertions were both equally unfounded. It was only necessary to look to what had been the state of Ireland with respect to religious knowledge twenty years ago, and what was its present condition, to be satisfied that the cause was as different a one as it possibly could be. At the period to which he alluded, there were only five hundred schools in Ireland. Now, as appeared by a report made in parliament, there were six thousand schools, in which the Scriptures were taught. Was it possible that this could have happened without diffusing a great degree of religious knowledge, and exciting that curiosity which was its never-failing companion? This had induced the people to seek "a reason for the faith which was in them," and had given rise to that which the right hon. gentleman had called a religious crusade, and of which he had charged lord Farnham with being the author. He wished to add one word more, on his own authority, with regard to the supposed interference of his noble relative. His lordship had not volunteered his efforts to convert persons to the established faith. It was certainly true that a number of farmers had come to his house, for the purpose of consulting him as to whether they should renounce the Roman Catholic persuasion and adopt the Protestant belief. Lord Farnham, upon that occasion, did not express any desire to that effect; on the contrary, he said, that he had no wish to interfere, and that the applicants had much better consult their clergy, as to the important step they were about to take. His lordship did not tell these people, whether he thought they were right or wrong. All that he did was to protect those who applied to him for advice, and who represented that they were under a dangerous delusion from which they wished to be free. His noble relative certainly told those persons that if, after they had weighed the matter well, they still persisted, they should then receive the facilities they required. He wished to explain this affair, in order to set the public right with respect to the

part which lord Farnham had taken; and he felt it the more incumbent to do so, because he was aware that the country would soon be in possession of the present discussion, through the medium of the published debates.

Mr. *James Grattan* thought that the principle of fair play should be extended to both sides. The letter of J. K. L. might be unwise and inflammatory, but he thought it had been matched in violence by a speech which was lately delivered in Ireland by the noble lord whose motives had been advocated by the hon. gentleman who last addressed the House. The hon. member read an extract from a newspaper of a speech purporting to be delivered by lord Farnham, at a bible meeting in Ireland. The first sentence of the extract was to this effect—that notwithstanding all the efforts that had lately been made in Ireland to spread the light of the gospel over that benighted land, so strongly had bigotry and superstition taken root, owing to the control of the priests, that those efforts were likely to prove unavailing. The hon. gentleman said that the noble lord imputed to the Catholics a desire to subvert the established religion. The speech of the noble lord had been printed in London. If it was falsely ascribed to him, let him deny it; but let us not impute censure to others, unless we were free from blame ourselves. Would to God that Ireland was all Protestant; then parties would not be arrayed against each other as at present they were. Let them not seek to widen the differences that already unhappily existed by calumniating each other in all the bitterness of party spirit. Unworthy motives had been ascribed to the Catholic clergy; but he knew so many instances of a contrary nature, that he never would consent to stigmatize them as a corrupt and intriguing body. In the parish where he resided he knew a Catholic priest who for thirty years, had officiated with so much benefit to his flock, and so much credit to himself, that when he died he was lamented by persons of every religious persuasion. He knew also another priest whose loss was so deeply felt in the parish where he died, that several Protestant gentlemen had proposed that a subscription should be entered into, for the purpose of erecting a monument to his memory.

Sir *G. Hill* observed, that as the petitioners had identified themselves with the Catholic association, he did not think them entitled to much attention.

Mr. *F. Lewis* said, that the situation which the petitioners held in the country was one of the first importance; and he had no doubt but that the power which they possessed was used for good purposes. It was a power, however, which was greater than it ought to be; because it was estranged from the law of the land. Would to God that the causes of animosity in Ireland were removed for ever, and that the distinction of sect was no longer in existence! Those who were excluded from the benefits of equal laws imagined that they were suffering for the sake of their religion; and they looked to that religion, instead of looking to the government of the country for aid and succour. He wished that the power held by the Catholic priesthood could be looked upon with more confidence; and that the Catholics could place more reliance on their Protestant fellow subjects. The Catholics, indeed, looked to that House with a strong degree of hope. They looked also with confidence to the individual at the head of his majesty's government in Ireland, who, they believed, would right their wrongs if he could. It was said, that the Roman Catholic bishops had identified themselves with the Catholic Association; but he denied that they had done so. He looked upon the association with no very favourable eyes; but its origin and existence could be traced to the peculiar situation of Ireland. The association was the necessary consequence of the state in which the Catholics were placed. It was idle to think of crushing the only medium through which the Catholics of Ireland could be heard. They must have an organ to give expression to their wrongs. The members of the association acted always upon the system of obtaining a hearing for their cause. He believed them to be in earnest in wishing for Catholic emancipation, although the contrary had been urged by their enemies. He believed that the association acted on a mistaken feeling, with regard to the means which they took to effect their object. They appeared to be in total error as to the nature of the English people, in supposing that, by threats, they could frighten them into concession. It was not by menaces or intimidation that the people of this country were to be gained over. He denied that the Roman Catholic bishops had ever identified them-

selves with the proceedings of the association. In proof of which he would give an instance of their disinclination to act in conjunction with that body. It was well known that the association were, at one time, very desirous of originating a Catholic system of education in Ireland; for which purpose they wished to apply a part of the funds which they derived from the rent. They applied to the Catholic bishops to sanction the proceeding; but those bishops declined giving their consent, observing, that they had already petitioned parliament for its sanction to a measure of the same nature, and that they should act disrespectfully towards the legislature if they did not await its decision. They therefore declined having any thing to do with the association, as far as regarded this subject. Knowing these facts, he conceived that the House ought to be put in possession of them, when unfounded statements to the prejudice of the Catholic bishops were brought forward.

Sir *George Hill* said, he did not mean to infer that the Catholic bishops had identified themselves with the association. It was notorious, however, that the priesthood generally, though perhaps not any of the petitioners, were guilty of meddling with matters out of their province.

Mr. *Van Homrigh*, member for Drogheda, defended the Catholic bishop, Dr. Curtis, from the charge of improperly interfering in matters of state. There could not be a more loyal man than Dr. Curtis; who, in fact, owed his appointment to the good opinion of the duke of Wellington. The hon. gentleman proceeded further to observe, that at a dinner lately given by a distinguished nobleman at which Dr. Curtis was present, the memory of his royal highness the duke of York being proposed, Dr. Curtis made an eloquent speech, in which he eulogized the virtues of the deceased prince, and lamented the language made use of, against his royal highness, by certain members of the association.

Mr. Secretary *Peel* said, that before he came down to the House, he had formed a resolution not to express any opinion on the subject now under discussion. He should, therefore, cautiously abstain from offering any remarks at present on a question that was appointed for discussion on an early day. If, however, he carefully abstained from entering upon topics that would soon be discussed, he hoped no one would suppose that, on that account, he felt less interest in the question. He preferred, however, to reserve his opinions for the occasion, when he could state them more at length than it would be proper to do now. His object in rising was to present two petitions. The first was from the University of Oxford. The right hon. gentleman proceeded to read the substance of the petition, which prayed that no further concessions might be made to the Roman Catholics. The next petition which he should present, was attended with circumstances which claimed the peculiar consideration of the House. It came from the undersigned Protestant noblemen, gentlemen, and landed proprietors of Ireland. He believed there were no less than one thousand two hundred signatures attached to it. Among them were the names of several noblemen and persons of the highest rank and station in Ireland, who were now discharging their several duties as magistrates, grand jurors, &c. The names of twenty-seven peers were also attached to it; and he was sure he should not overstate the amount of property in the possession of the petitioners, when he said that it could not be less than 1,000,000*l.* sterling, annually. He had a personal knowledge of several of the petitioners; and he would appeal to any who differed from him in opinion as to the Roman Catholic question, whether any set of men could be found of greater worth, credit, and integrity. When he stated that twenty-seven Irish peers had signed this petition, he might add, that every man whose name was attached to it was a resident land-owner. Every one who did not come within that class, however high his rank or fortune, was excluded from joining in this petition. No persons were more interested in the welfare of Ireland than the petitioners. Not a sentence in the petition could be traced to any hostile feeling. No acerbity of language was used. The petitioners merely prayed for a continuance of the laws by which Roman Catholics were excluded from power; and they proceeded to state the grounds on which they conceived that continuance necessary. He was glad to be selected as the channel through which this petition was to be presented to the House. He could not look at the names subscribed to it, without recollecting how many of them deserved well of their country, on account of the public services which they had ren-

dered to it as magistrates; and how many of them were entitled to the admiration and respect of all those who came in contact with them in private life, on account of their many amiable and valuable qualities. He was, therefore, grateful to them for having selected him as the organ to make their wishes known to the Commons House of Parliament on this all-important subject.

Lord *Nugent* presented the petition of the Roman Catholics of Great Britain, praying to be relieved from the legal disabilities under which they laboured at present. In presenting it, the noble lord stated, that upon several previous occasions he had presented to the House petitions from that portion of his majesty's subjects which had now intrusted him again with the duty of representing their case to Parliament, and as they had no new grievance to complain of, they had not introduced any new matter into the substance of their petition. That petition was signed by twenty-three thousand persons, and might, had it been deemed necessary, have been still more numerously signed. He did not, however, press it on the consideration of the House, so much on account of the numbers who had signed it, as on account of the injustice under which they suffered. If, instead of being the petition of the Catholic aristocracy and proprietary of the country, the petition had been the petition of but one individual, and that individual of the obscurest description, he should have felt it to be his duty to call the attention of parliament to the singular grievances under which he described himself to labour. The petitioners, however, deserved the regard of the House, on account of their being distinguished by their rank, their property, their learning, and their unwearied and unimpeached loyalty. They said, that the restrictions were imposed upon them originally under false pretences and for false objects, and were now continued under pretences and for objects equally false. They desired the House to consider the question of emancipation, not as an Irish but as a British question; and requested him to state to it, that they had put forth two declarations, which were appended to their petition, one containing an explanation of the manner in which they paid allegiance to the king, and another containing an explanation of their religious tenets, as far as they affected their politics. The originals of those declarations were placed in the British Museum, where the original charter, which secured the liberties of England was also placed, signed by the ancestors of some of the very men whose names were subscribed to the present petition. The petitioners stated, that they came before the new parliament with a sanguine hope, that their complaints would be listened to, and their grievances redressed. They acknowledged with gratitude the justice which they had already met with from the House of Commons, and added, that their confidence in it was increased by a knowledge acquired during the late elections of the increase of liberal feelings in all parts of England. They asked to be relieved from the consequences of the bloody Popery code, which had been originally enacted without reason, and was now retained without necessity. They prayed for emancipation, not only for themselves, but for every species of dissenters from the Established Church, who were liable to any disqualifications on account of their religious tenets.

The Petition was brought up and read; setting forth,

"That the Petitioners beg leave to represent that, on the opening of the first session of Parliament, they feel it their duty to renew the application they have more than once successfully made to the House, to pass a Bill for the repeal of the penal and disabling Laws under which they yet labour; that they worship the same God, are liege subjects to the same King, and live under and acknowledge the same Constitution as the House; the friends of the country are theirs; her enemies are theirs; in her fleets and armies they render her important services; to her support they essentially contribute; there is no class of British subjects upon whose attachment and active co-operation the House themselves have greater reliance; that the Petitioners have beheld, and continue to behold, with unspeakable satisfaction, the steady and regular advance which the cause of Catholic emancipation has made, and is making, in the public mind; during the late election, attempts were made to prejudice the electors against them and their friends, by the cry of 'no Popery;' but the places in which it served those who used it were few; in several it was received with the most marked disdain; may every dis-

ingenuous artifice of controversy, by whom or against whomsoever used, and every measure that tends to disunite, to keep up animosity, or to prejudice one portion of subjects against another, similarly fail! that the Petitioners have declared, and they again declare, that they bear animosity to no individual of any communion, sect, or party; that they embrace all their countrymen and fellow-subjects, whatever be their religious denomination, as friends and brethren; and that they most sincerely and fervently wish to see them all united in the participation of every civil right and blessing which they solicit for themselves; that they have always been willing to lay before the public, in the fullest and most explicit manner, all their religious doctrines, and to disclaim every anti-civil or anti-social principle imputed to them; for this purpose they have often referred to authentic documents, in which their religious tenets are to be found, and have often printed, published, and circulated them; and that among these documents are the answers of the Foreign Universities to the questions suggested by Mr. Pitt; that very recently (the Petitioners now mention a fact to which they most earnestly solicit the attention of the House) an exposition of their religious principles, framed by the English and Scottish Catholic Prelates, has been laid before the public; that they have presented copies of this declaration to his most excellent Majesty, to his illustrious Brothers, to the Cabinet Ministers, to the Prelates of the Established Church, and to the Universities of Oxford, Cambridge, Edinburgh, Aberdeen, Glasgow, and St. Andrew's; and that they have deposited the original in the British Museum; they respectfully take leave to annex a copy of it to their present Petition, and to refer to it as a full and explicit exposition of the religious tenets of the Roman Catholics, on points therein mentioned; together with this Declaration, they have extensively circulated among their Protestant fellow countrymen, an Address, expressing their adherence to it, calculated, to the best of their judgment, to remove any unfavourable impression existing in their minds, respecting their civil and social principles, and laying before them a brief statement of the grievances which the Roman Catholics of Great Britain suffer by the present state of the penal laws beyond any other class of his Majesty's Roman Catholic subjects; they beg leave to annex a copy of that Address also, to their humble Petition; they further request the House to consider the progress of public opinion on the Continent in favour of civil and religious liberty; they beg leave to mention, that the late Marquess of Londonderry announced in the House of Commons, in the debate on the Catholic Relief Bill, on the 28th day of February, 1821, 'that the only one question upon which the Congress of Vienna were unanimous, was that of doing away with distinctions and preferences on account of religion;' that it has always been asserted by their countrymen, that in wise, good, and liberal councils our country has taken the lead, and directed the opinion of the world; will this appear in her perpetuating Laws which all allow to have been enacted during a national delirium; by all the feelings which bind the House to their country and their countrymen; by every reason which makes it wise to consolidate their interests, to extinguish disunion, and annihilate discontent among them; by the justice and humanity which every Government owes to every class of subjects; by the undeniable truth, that equal openings and equal rewards are due, by the Laws of God and man, to equal industry and equal merit; and above all, by the sacred precept of the God of all Christians, that 'all things which you would that men should do to you, you should do also to them:' as Roman Catholics suffering under the operation of unjust and oppressive laws; and as British subjects, jealous of the fair reputation of their country, which these Laws disgrace; the Petitioners most earnestly pray the House to take their case into their consideration, and to pass a Bill which, by repealing every Law which imposes any declaration, oath, or test, relating to religious opinions as a qualification for holding civil office, or enjoying civil rights, may relieve them from every penalty and disability yet remaining in force against them, and may wipe away the stigma of intolerance which now attaches to their country."

Ordered to lie on the table.

Grant to the Duke and Duchess of Clarence.] On the order of the day for the second reading of the Duke and Duchess of Clarence's Annuity Bill,

Sir *R. Heron* observed, that the duke

of Clarence ought to be satisfied with what the country had already done for him. The hon. member concluded by moving, as an amendment, "That the bill be read a second time this day six months."

Mr. *E. Davenport* seconded the motion. When the distress which prevailed in the manufacturing towns was considered, ministers came, he thought, with a very bad grace to propose a grant of this nature. There was one contingency not provided for by the bill. Suppose his majesty should contract another matrimonial alliance [a laugh]. What then was to become of this 9,000*l.* a year. Such an occurrence was not at all improbable; though it might form a very good joke to the gentlemen on the other side, though, as he thought, not a very decorous one. The duke's salary had already been increased several times upon the ground of the high price of provisions.

Mr. *Wells* said, he could not conscientiously approve of any addition to the salary of the duke of Clarence.

Mr. Alderman *Waithman* said, he would not object to a liberal allowance to every branch of the royal family. Notwithstanding the distress felt throughout the country, he would not now oppose a grant for that purpose; but he looked upon the present proposition as one of the most ill-timed measures that was ever submitted to parliament. The very day it was introduced, the House had heard from the right hon. gentleman a most gloomy description of the condition of the people. In his magisterial capacity, upwards of eighty persons had been summoned before him for non-payment of church and poor rates, which could not be enforced against more than ten. He was astonished that the right hon. gentleman should have courage to make the proposition on the very evening when a committee of emigration was moved for, to provide means for sending the industrious but distressed people out of the country.

Mr. *Monck* described the various sources of the duke's income, and contended that his royal highness had already a sufficiency to support his dignity. The additional allowance was most unseemly in the present state of public distress.

Mr. *Hume* wished to ask the right hon. gentleman how, as an honest man, he could propose such a vote, when he must know that as a financier, he was bankrupt? It was a mean and scandalous waste of the public money. If he could lay on the table of the House accounts of the distress occasioned by taxation, he could prove that, for the 9,000*l.* proposed, fifteen thousand persons had been turned out of their homes.

The House divided: For the Second Reading 128: For the Amendment 39.

HOUSE OF LORDS.

Monday, March 5.

Catholic Emancipation — Irish Vestries.] Lord *King* said, he had a petition intrusted to him by the Catholics of Ireland; and, as it related to the state in which they were placed with respect to the church of Ireland, he had been unwilling to present it before he saw an Irish prelate in the House. The petition complained of the exactions which were practised on the property of the Catholics at the will and pleasure of Protestants, for Protestant purposes, and with very little check given to them by those who had the power to control such proceedings. The petition stated the grievances the Catholic suffered from being obliged to pay sums of money, levied by vestries, where Protestants voted away the money, nineteen-twentieths of which were paid by Catholics; Catholics being excluded by law from voting at vestries on a great many occasions. The petition stated, that the church of Ireland was the richest primeval Christian church in the world; the people the poorest and most wretched in any country. The number that professed the faith of the Established Church was comparatively the smallest in any country in the world which was burthened with an established church. The petition went on to state the injustice of persons being allowed to tax others, while the classes who paid the money had no control whatsoever over them. He was aware of an act being passed professing to be for the relief of the Roman Catholics, as assessed by Protestant vestries. That act, however, so far from being a relief, was an aggravation of the evil. Whether this was true or not he could not say; but that was the opinion of those who stated that they were aggrieved. Certainly, Catholics were, in a great many cases, excluded from being present at vestries. It was true that they had a right of appeal; but, coupled with a condition which few Catholics, he was afraid,

were enabled to comply with; namely, sureties of 100*l.* each, to answer any costs that might be given against the appellant. In order that their lordships might see that the petitioners did not complain without reason, he would read to them some of the exactions practised on the Catholics, which would appear quite incredible, had they not been sanctioned by the authority of a parliamentary return. He thought their lordships would be astonished at some of the items. In the parish of St. Thomas, Dublin, at a vestry composed of Protestants, voting away money that was paid by the Catholics, the following were charges, year after year, that were exacted from the Catholics:—for wine to the sacrament, 28*l.*, for a sextoness 30*l.* for a sexton 30*l.*, for a beadle 20*l.* There was, besides, an extraordinary compensation made to the rev. Mr. Field, and the rev. Mr. Copland, for attending early service, of 50*l.* each. Two women were also paid for attending early service; so that it would appear that the vestry was first of all forced to pay the preachers for their attendance, and afterwards to buy a congregation to hear them. The two women had a yearly stipend allowed them for attending as well as the clergyman; and thus their lordships might go on year after year, for as sure as the same sum was charged for the clergyman attending, so sure were the two old women paid for their attendance. And it was the same with the sacramental wine. Every year 28*l.* was charged for that article; it would seem, therefore, that there was no falling off in the number of the communicants. He would now take another parish. In that parish he found that 150*l.* was charged for compensation for early service: there was paid to the organist 70*l.*; to Margaret Ryan, gallery keeper, 20*l.*; to assistant gallery-keeper 20*l.*; to the vestry-keeper 20*l.*; to the organ-blower, 20*l.*; for sacramental wine, 20*l.* In another parish, 59*l.* 11*s.* 8*d.* was charged for the sacramental wine. He thought such a charge quite enormous. In Dublin, the diocese was charged with the expense of repairing the cathedral. In England, it was both the law and the practice to pay for the repairs of the cathedral out of the property of the cathedral. But in Ireland the cathedrals were thrown upon the parish. In the diocese of Waterford, in the union of Trinity, there was this item: for repairing the roof of the cathedral, 220*l.*, levied by the vestry, and paid for by the Catholics. He would now go to another cathedral, that of Lismore. In 1812, 95*l.* was paid for repairing the cathedral gates; in 1813, 100*l.*; in 1814, 122*l.* 8*s.* 1*d.*; in 1815, 51*l.*; in 1816, 100*l.*; and in the year 1817, 20*l.* What did their lordships think the expense of repairing these gates amounted to?—to a sum of no less than 488*l.* Michael Angelo had said that the gates of a celebrated church in Florence were so beautiful that they were fit to be the gates of Paradise. He did not know whether the gates of Lismore cathedral were equal to those famous gates in Florence, but he thought it was the highest price ever paid for gates in the world. These expenses were paid for by the parish, nineteen-twentieths of which were composed of Catholics. He would now take another diocese, that of Cork. Here the items were as follows:—Paid to the parish clerk, 20*l.*; for singing anthems, 34*l.* 2*s.*; for instructing the boys, 22*l.*; for the sacramental wine, 22*l.*; and to parish clerk for evening attendance, 34*l.*; as if he had not enough already; for washing the church linen, 9*l.* 2*s.*; for candles for the church, 30*l.* All this sounded most extraordinary to English ears. In the diocese of Elfin there was paid for repairs done by order of the bishop, 220*l.* Cash paid to the bishop for outlay by him two sums of 50*l.*, and one of 33*l.* From these charges it appeared to him, that the vestries imitated a certain assembly, which never made the expenses it had to vote as small but as great as possible. The vestries were to be sure but a very humble imitation. A person once went into that assembly, and he thought it a very strange place, in which very strange things were done. One man handed up a paper, and mumbled a few unintelligible words over it, which he afterwards found to be a vote of some millions. So a Protestant carpenter hands up to a Protestant mason an estimate of necessary repairs, and they get a very good job between them, and it turns out that there is a very large sum to be paid. One reason that was given why so few Catholics attended the vestries was, the general satisfaction their proceedings had given. How far that was the case, would appear from the opinion of those who were interested in the matter; who stated, that a small proportion of the parish, an interested minority, was enabled to tax, to a great amount, the majority who were composed of Catholics. It was most

unconstitutional to take money from a man without his own consent. It was nothing less than downright robbery. That, however, was but a part of the mischief. If a man appealed to the sessions, he must do two things. He must employ a good practical lawyer, and he must find two sureties bound in 100*l.* each to answer for the costs. The noble lord moved, that the petition be read.

The Bishop of *Chester* observed, that many of the things complained of by the petitioners, if they were objectionable, might equally be made a subject of complaint in England. He certainly did not feel himself called upon to defend the particular acts referred to, or to support Protestants in making exactions on Roman Catholics. It must be allowed, that it appeared hard in principle, that so large a majority of persons as that described in the petition, should possess no countervailing power to protect their interests. If they had no such protection already, he had no hesitation in saying that some alteration was necessary. With regard to vestry jobs, he confessed that, from his own experience in England, he must say that they were more frequent than, for the interest of the church, they ought to be. He had taken the pains to look through the ponderous volume to which the noble lord had referred, and he must express his opinion, that, considering the vast number of returns, the instances of abuse appeared to be extremely few. There were one or two points in the noble lord's speech which he should take the liberty of adverting to. As to the remark made on the sum of 50*l.* a-year being charged for each of two clergymen for performing morning service, he wished the noble lord to recollect that no clergyman was bound by law to perform divine service more than twice a day. When, however, a parish was large, it was usual to engage a clergyman for morning service, which was performed at six o'clock, and surely the noble lord would not consider 50*l*, a-year too much for that duty. In such cases the churchwardens proposed a stipend to be given for the morning service; and that stipend was generally a small one. The same course was followed in many English churches, as in St. James's and other parishes in the metropolis. To this item of expense he understood the Catholics did not object. Another item of expense which was very considerable had been referred to. He meant the sacramental elements. But the noble lord must be aware, that when there was any surplus of those elements, it was directed by the rubric to be given to the poor. Now, as there was no poor-laws in Ireland, it was probable that, on that account, the charge for wine was greater than it otherwise would be, because the almoner of the church would thereby be enabled to relieve proper objects. With regard to the two old women who were stated to be paid for attending morning service, it must be observed, that there were in every place of worship persons who opened the pews, lighted the candles, and did other necessary offices. They were the servants of the church, and were paid for their services. This, he had no doubt, would be found to be the case, on examining the charge for those two women. As to the salary of the organists, he doubted if that was, or ever had been, objected to, by the Roman Catholics. He knew that in a parish in Dublin, in 1812, nine-pence had been collected from 1,800 houses for defraying this expense, but the trouble to the collector was so great, that the Roman Catholics agreed among themselves to give 70*l.* a-year. In 1819, several salaries were raised by the Roman Catholics from 40*l.* to 50*l.* a-year. In 1820, 10*l.* a-year was added to the salary of the clerk in the parish he had alluded to; and the addition probably might be for instructing children to sing anthems. With respect to the Roman Catholics attending vestries, he was aware that they had not the right of voting or of opposing the vote which might be come to; but it appeared that their opinion was always attended to. The Roman Catholics were, indeed, generally consulted on such subjects; and if they had not so been in the instance alluded to, it was probable that their voices would, before now, have been heard beyond the narrow confines of their own parish. He was ready to acknowledge that there might be some cases of hardship; but it did not appear that the actual abuses had been such as to induce the Catholics generally to complain; and, as far as he could learn, the Catholics had been no less liberal than their Protestant brethren in remunerating the services in question.

Lord *Clifden* observed, that when the churches of Ireland were, in the reign of Henry 8th, and his successor, Elizabeth,

taken from the Catholics and given to the Protestants, they were in good repair; but they had since been suffered to fall into decay. Every man, acquainted with Ireland, knew that he could not ride the distance of three miles without seeing a church in ruins. Now, however, a fancy had been taken to build churches; but it was very unreasonable that the Catholics should be compelled to pay for the rebuilding of churches, which the Protestants had allowed to go to ruin.

The Earl of *Limerick* in reply to the observations that the funds of the cathedrals ought to pay the expenses of their repairs, said, that in Ireland the cathedrals were, in many instances, parish churches, and that, therefore, the charges for repairing them fell on the parish.

Lord *King*, having been appealed to by the right reverend prelate, on the subject of the charge for the expense of morning service, must say, that 50*l*. certainly was not too much in England for Protestant purposes; but that 150*l*. was far too much in Ireland for performing that service for a comparatively small number of Protestants.

Lord *Strangford*, without intending to follow the noble lord through his items, said, it happened to be in his power to answer him on one point. He was in Ireland last Easter twelvemonth. He then went to the church of St. Thomas, Dublin, to the morning service, when so far from there being only two old women present, there were, at seven o'clock in the morning, four hundred persons in the church, and afterwards that number was increased to eight hundred communicants. This being the fact, what became of the assertion of the necessity of paying two old women to attend the morning service? And what became of the supposed enormity of the charge of 28*l*. for wine, when eight hundred communicants were assembled on this ocasion.

Ordered to lie on the table.

HOUSE OF COMMONS.

Monday, March 5.

Roman Catholic Claims.] After numerous Petitions had been presented, both for and against the Claims of the Roman Catholics,

Sir *Francis Burdett* rose, to bring forward the motion of which he had given notice. In bringing this great question before the House, he felt, he trusted, a proper sense of the difficulties that were personal to him on the occasion. He was fortunate, however, in one respect; namely, which was the period of time at which this duty had devolved upon him. The subject had been brought forward at different times, and certainly under far more unfavourable circumstances than at present existed. When he recollected, that the cause of the Catholics had received the sanction of the most eminent men of the country; when he recollected that it had been supported by Burke, by Fox, by Pitt, by Sheridan, and "last, not least," by Grattan; when he recollected that almost every individual distinguished for his intellect had added his authority to the great mass of opinion in its favour—it appeared to him, that that man must be possessed of singular confidence who, without the most mature deliberation, and the most profound reflection, and also without the means and the ability to account for and justify his conviction, could make up his mind against such a weight of authority, to resist the motion with which he should have the honour to conclude. It should, too, be recollected, that however these great men differed upon almost all other subjects—however they might have been at variance respecting other points of policy,—they were all unanimous upon this. Many of them were in situations in which ambition, be it good or be it bad, operated as a powerful incitement on their minds; but, on this subject, where there was no alloy of ambition in the motive by which they were actuated, where the course they were pursuing was the reverse of popular, where they had to stem the tide of long-established prejudices, they risked every other consideration, and advocated a cause, from advocating which they could hope for no advantage, except the gratification of their own feeling of the importance, the justice, and the policy of the concession. Their authority was therefore doubled. It was not merely the authority of their intellect; it was also the authority of their conviction of what was due to a sense of right, the public good, and the best interests of the country at large. It must be, moreover, considered, that the great men to whom he had alluded had removed the principal difficulties by which the question had been environed. They had dispelled the clouds of ignorance; they had turned the current of misrepresentation; they had left the legislature to

follow the dictates of pure reason, unencumbered by that learned lore which it had required the efforts of their extraordinary powers to remove. Such had been their labours; so that, at the present day, the question was reduced to one of a plain, simple, common-sense, practical nature. At the same time, and while he described the authority by which the cause of the Catholics had been sustained, it must not be forgotten, that their claims rested on the strong and solid foundation—if good faith was a strong and solid foundation—of a treaty; as well as on considerations of reason, justice, policy, and expediency. He hoped he should be able to describe the true grounds on which the question stood. But, before he entered into any examination of them, he implored the House to come to the discussion with minds free from all those feelings of irritation and prejudice, which, he was sorry to observe, on a late occasion, seemed to be but too prevalent. He intreated them to lay aside all personal feeling,—to forget all inferior and angry topics—and not to substitute the conduct of individuals for argument, in considering the wisdom of the great and important measure upon which they were now called upon to determine. Every candid man must be disposed to admit that—where the passions, had been long and strongly excited—where expectations had been long and painfully delayed—where interests of the greatest magnitude were at stake, occurrences might and must occasionally take place, that all must lament. Much had been done, and still more had been said, which no man could go the length of justifying; and, although, perhaps, less had been done and said, than, under such circumstances, might have been expected, yet there was no doubt much which was deeply to be deplored. All these considerations, however, would, he trusted, be allowed to merge in the merits of the great and important question on which the House had now to pronounce; and, from a deliberate examination of which, he trusted they would not be turned by the influence of interests comparatively unimportant, and unbecoming topics of discussion. The hon. member for the county of Derry had, the other evening, told the House, that he would this night open the first page of a new history of Ireland. He trusted in God, that the new history of Ireland would not be like the old one; he hoped that it would not be "*atrox prœliis, discors seditionibus*;" but that it would be a history of peace, and conciliation, and safety, and happiness, to all parties [hear, hear!].

It had frequently been objected to the Catholics, that their religion was inconsistent with civil liberty; and many men, otherwise of liberal minds, possessed with that opinion, opposed any further concession to them. But, who that called to mind the conduct of our Catholic forefathers—of those men of great renown to whom we were indebted for the civil liberty which we enjoyed—but must concur in lamenting, that names which rendered illustrious every page of our history—names without spot or stain of any kind—should, at the present day, stand as the appellations of a proscribed race? While we boasted of the institutions for which we were indebted to their glorious efforts—institutions which no true Englishman would surrender but with life—institutions which, while they constituted our own security and happiness, were the admiration of the world—we withheld justice from the descendants of their immortal founders. When the House recollected, that even under all the disadvantages and disabilities under which the Catholics of the present day laboured, they never failed us in the hour of peril and of combat; when they recollected that many of the names of the heroes of Cressy and Agincourt, were also the names of the heroes of Waterloo—the name of Howard came at once strongly on his memory—when they also recollected, that the Catholics disclaimed the imputations of subservience to a foreign power which had been cast upon them; when they recollected the conduct of our Catholic forefathers towards that power to which the Catholics of the present day were supposed to be slavishly submissive—he thought they would feel ashamed of any longer withholding from them a full participation in the civil rights of their countrymen. Let the House only look at the reign of Edward 1st, when the pope endeavoured to interfere with the temporal concerns of England; and when that monarch replied, that he would not admit of any interference in his kingdom, on the part of the See of Rome. On that occasion, the barons of England wrote a letter to the pope, of which he had brought a copy with him to the House, although he would not trouble them by reading more than one or two sentences;

which, however, could leave no doubt on the mind of any impartial man, that the Catholics of that period were not so submissive to the papal authority as they were represented to be. Here was then, direct authority to show that the subserviency of Catholics to the pope was unfounded; that this necessary state of slavery did not in fact exist. The following was the extract from the annals to which he alluded:—"And that the said king Edward had suppressed all the Scotch bishops, and held them under subjection to him, against the constitution of the Catholic church in general, and the See of Rome in particular." The king, by the advice of his parliament, returned this answer to that part of the letter wherein the pope commanded Edward to send his proctors and messengers to the court of Rome, to show what right he had to claim the realm of Scotland—"That he did not think fit to say any thing to it himself, but that the whole barony of England would write to his holiness, that their king could not act in that manner, nor refer a right which was so clear and open to the doubtful judgment of another court." However, the king himself thought proper to dissemble his anger against the holy father; and accordingly answered the pope's letter in a very submissive manner. "Neither have the kings of England, in their said kingdom, ever submitted their rights, in temporals, to any ecclesiastical or secular court; have never answered to them, nor ought to answer, but have inviolably observed to keep up the free pre-eminence, state, and dignity of the said kingdom at all times. Whence, upon a due deliberation, and treating upon the contents of your memorable letter, the common and unanimous consent of all and singular was, is, and will be, God willing, for ever—that our aforesaid lord the king ought not to answer judicially before you, nor submit his rights over the realm of Scotland, nor any other of his temporal rights whatever, to your doubtful judgment. Neither has he any reason to send his messengers or proctors to plead for him in your presence; particularly when the premises will most manifestly tend to the disinheriting the right of the English crown, and its royal dignity, and the utter subversion of the state of the said kingdom; and be a prejudice to our liberties, customs, and paternal laws, the observation and defence of which we stand obliged by our oaths to defend; and which, by the help of God, we will with all our power and strength maintain; neither shall we in anywise permit, as we can and ought to hinder, such unaccustomed doings; nor shall we suffer our aforesaid lord the king in any manner to attempt to do, if he would, such undue, prejudicial, and heretofore unheard of actions. Therefore, we humbly and reverently beseech your holiness, that you would kindly permit our sovereign lord the king, (who amongst other princes of the earth, shows himself a true Catholic, and devoted to the See of Rome), to possess quietly all his rights, liberties, customs, and laws, without diminution or disturbance. In testimony of which we have put our seals to these presents, as well for ourselves as for the whole community of the aforesaid realm of England." This quotation was, he thought, conclusive, that no such servitude necessarily attached to the connexion between the British Catholics and the See of Rome.

With respect to the disqualifications under which the Roman Catholics at present laboured, it was right to call to mind the times and circumstances in which these disqualifications originated. It was obvious to every man conversant in the history of the country, that the real or pretended cause of such disqualifications had long ceased to exist. There was no pretence, therefore, founded upon their past infliction, for their prolonged continuance. The original causes, preposterous as some of them were, had yet a feasible motive, as well as prospective purpose. It would be recollected, that these penal laws had their origin in the heat, the animosity, and contention, which sprung out of what was called the Popish Plot. Of that plot, at this time of day, little would be attempted to be said. Abandoned as was the recollection of that story now, he yet did not pretend to say, that the patriots of the time had no reason to be suspicious, even very and justly apprehensive, of the king then on the throne; who was known to them to be a traitor to his crown and people, and the mean and subservient pensioner of the king of France. In those times also, the religion and liberty of the country were, from a variety of then existing causes, inseparably united: the meditated attack upon the one was intended to be used as the means of subverting the other. In such a state of things, one could not be surprised that the best men

should hurry each other into excesses, which, looked at in cooler and different times, were of a questionable aspect, and fraught with consequences carrying with them the elements and the measures of very doubtful justice. When it was recollected, that the party spirit of that period brought so good, so just, and so virtuous a man as lord Russell to the block; when it was recollected that the disqualifications of the Catholics were attributable to the same description of feelings to which the shedding of that noble blood was to be ascribed; when it was recollected that within a short period from the present moment, parliament had reviewed and reversed the attainder of that innocent and unfortunate nobleman, lord Stafford; and when it was recollected that by that act the legislature deliberately acknowledged the injustice of the times in which the Catholic disqualifications originated; he trusted that it would not be too much to ask the House, especially after the decisions of three preceding Houses of Commons, to think of some little reparation, some attempt at recompense, to the descendants of those who were so unjustly used; some effort to rescue the country from the stigma which that usage had impressed upon it.

With respect to the present claims of the Catholics of Ireland, he begged leave to say, that he thought the House was bound by considerations of good faith to grant them. He alluded to the treaty of Limerick. When he had formerly asserted that, in his opinion, the Catholics of Ireland were entitled by the treaty of Limerick to the enjoyment of a full participation in all the civil rights of the community, the right hon. the Secretary of State for the Home Department had said, that he put a different interpretation upon the stipulations of that treaty, which appeared to him not to extend to public rights, but to be confined merely to private property; and had also intimated, that if it did extend to public rights, he would certainly give the Catholics the benefit of the treaty. Now, he entreated the right hon. gentleman's attention to the words of the treaty itself; and if words had any meaning, if he admitted the binding nature of a treaty, he must clearly have the right hon. gentleman's vote. These were the words of the first article of that treaty—"The Roman Catholics of this kingdom shall enjoy such privileges in the exercise of their religion as are consistent with the laws of Ireland, or as they did enjoy in the reign of king Charles 2nd; and their majesties, as soon as their affairs will permit them to summon a parliament in this kingdom, will endeavour to procure the said Roman Catholics such further security, in that particular, as may preserve them from any disturbance upon the account of their said religion." The second article, after securing their property, says, "And their own and every of their heirs, shall hold, possess, and enjoy, all and every their estates of freehold and inheritance; and all the rights, titles, and interests, privileges and immunities, which they and every, or any of them, hold, enjoy or were rightfully and lawfully entitled in the reign of king Charles 2nd or any time since, by the laws and statutes that were in force in the said reign." Now, he apprehended, that in the reign of Charles 2nd Catholic peers sat in the Irish parliament. Here was an expressed stipulation for the benefit of the Catholics generally.

Mr. Secretary *Peel* observed, across the table, that the stipulations of the treaty did not refer to the Catholics generally; but only to those who were resident in Limerick, or any other garrison then in the possession of the Irish.

Sir *Francis Burdett* continued. He said, he entertained a very different opinion of the interpretation of that treaty. Odd, indeed, would it be, if those who held out longest in arms, and therefore, did the greatest extent of mischief to the ruling powers, should yet be considered to be the most entitled to peculiar grace and favour. It was, however, quite impossible upon any fair principle, indeed it was monstrous, to suppose that this treaty solely related to the garrison of Limerick; for what said the ninth article of that treaty?—"The oath to be administered to such Roman Catholics as submit to their majesties' government shall be the oath aforesaid, and no other." The oath referred to was the oath of allegiance, "and no other;" and the article comprehended all submitting Catholics generally. But how had faith been kept with them, when it was by the agency of new oaths, and nothing else, that they had been kept ever since from the enjoyment of their proper privileges. As far as the articles of Limerick went, the case was, he thought, conclusive: faith was pledged, and faith had been broken. But even in the right

hon. gentleman's interpretation, that the men in arms were only included, then their descendants—and they must have some — were, though Catholics, invested with these privileges; and there ought to be some Catholics necessarily in the kingdom who were entitled to the conditions made with their primogenitors among the rest of their brethren. Where were they? But really such a construction was trifling. It was so contrary to all the rules of logic, all the fair modes of reasoning, that he felt quite persuaded, that the right hon. gentleman was more candid than to commit himself in that sort of argument. It would be most monstrous and preposterous, that those who were not in arms—those who had given the least offence—should be divested of the advantages which were conceded to their more hostile countrymen.

He felt himself, therefore, perfectly justified in contending, that in pursuance of the treaty of Limerick, no other oath ought ever to have been imposed upon the Catholics of Ireland but the oath of allegiance. With respect to the Catholics of England, they were among the best and most irreproachable members of the community. Their conduct as a public body, and their character as private individuals, were such as to render their exclusion from civil rights utterly unjustifiable. If the House would look at the leading names of the English Catholics they would at once recognize some of the most illustrious in our annals. No class of his majesty's subjects could stand the test of a scrutiny into their public and private lives more triumphantly than the Catholics of England. And yet these very persons, who were "omni exceptione majores," were the worst off. They had not even the privileges such as they were, of their Irish brethren. Could any man contend, with the least particle of decency, that such a distinction ought to exist? It was bad enough with the Catholics of Ireland; but still worse with the gentlemen of that persuasion in England. Were they to be cast back, because, forsooth, their brethren in Ireland did not put forth their claims in quite as palatable a form as some of their opponents affected to desire? Was their irritation to be made the pretence of continuing a grievance upon others, against whom no similar accusation could be made? Were the English Catholics to be compelled to wait until the Irish Catholics were taught, as it was said, to become more prudent? Was not that to proclaim to the Catholics of England, that they ought to take a different course; for that so long as they chose to lie down and be trampled upon, trampled upon they would be. When he recollected how tenacious this country had always professed to be of its good faith, he felt ashamed to reflect that the only persons with whom it had not kept faith were so large a portion of its own population. It was but a few days ago that it was declared in that House, that the good faith of England was pledged to maintain the family of Braganza on the Throne of Portugal. No one, whatever he might think of the policy of adhering to the treaty, denied that good faith required us to do so. By that treaty we had formed an alliance with the people of Portugal. But was not an alliance with the people of Ireland of infinitely more importance to us than an alliance with the people of Portugal? Simply by doing an act of justice, we might cement a most valuable alliance with six millions of faithful and attached Catholics in Ireland—an event that would be incalculably more beneficial to this country, than an alliance formed in any other part of the civilized world.

Coming down to a later period, he was sorry to say with Mr. Burke, that "he had never known any of the successive governments, in his time, influenced by any other passion relative to Ireland than the wish that they should hear of it, and of its concerns, as little as possible;" that the government "had abandoned Ireland to a junta of jobbers, who endeavoured to secure to themselves lucrative repose against the factions who might oppose them there, or the rivals who might want to succeed them from England;" and that "nothing could equal the provocation the Catholics had received, particularly from that race of conquerors, the corporation of Dublin." As to the wish of the government of this country not to have their repose disturbed by the affairs of Ireland, it was in vain. Ireland had risen into too great importance not to trouble us, if we did not take just and proper means to prevent her from doing so. The days had passed away when Ireland could be neglected with impunity. The interests of Ireland were now among the most vital interests of the empire. Until within a few years, indeed, the condition of Ireland

was most abject; the laws were dreadfully oppressive, and were efficiently administered. Then it was that Mr. Pitt saw the advantage of introducing a system of conciliation; and of endeavouring to raise the people of Ireland in the scale of humanity. The government of England had thought proper to pursue a system of gradual concession to the Irish Catholics, which had rendered them fit to receive a full participation in all the benefits of the constitution; it had elevated their minds to the highest pitch of refinement; it had made them susceptible of the keenest impressions of their injuries: it had given them the sense of knowing their wrongs; and, if the House refused to do them that justice which he now demanded in their behalf, nothing could be more unwise than the conduct that had been pursued towards them. Those who, by their measures, had brought the Catholics to the high degree of improvement which qualified them to enjoy every civil right, and honourable distinction, must have had in view that goal at which the House had now arrived: they must have meant to complete and crown their work by that great, that just, that wise, measure, now under the consideration of Parliament. Nothing could be more wise, nothing could be more humane, than by degrees to raise up a fallen people; nothing could be more just and politic than to loosen the fetters that bound them to the earth; to strike off their shackles one by one; to free them until they were at length fit for complete and full action. He believed that Mr. Pitt had the merit of having had that object in view, and that he had only been prevented from accomplishing it, by the occurrence of events over which he had no control. He had probably begun his work at the wrong end; as many of his political opponents told him at the time. Indeed, it appeared to him (sir F. Burdett) that it would have been safer to have begun his work with the higher, and to have ended it with the lower classes. Surely there would have been less danger in admitting four or five Catholic peers to their indefeasible right—for such he considered it—of sitting and voting in the House of Lords, and a scanty number of Catholic gentlemen to seats in the House of Commons, than in giving to the bulk of the people great political power, for which they were not so well qualified, and in denying their just and reasonable rights to those who, from their education, their rank in life, and their stake in the country, might be fairly considered to deserve them. Be that, however, as it might, it was a most preposterous thing, after having freed the Catholics of Ireland from that oppressive code which prevented them from holding landed property from entering into the liberal professions, and from enjoying many other advantages to which their station in society entitled them to aspire—after having abrogated those penal clauses which destroyed all elasticity of mind in those who were subjected to them, which extinguished in their bosoms all hope of amelioration, and by so doing, reconciled them to that melancholy state of degradation and slavery in which it was their destiny to drag on a wearisome existence,—it was, he repeated, a most preposterous thing, a most unheard-of act of folly, to suppose that the intellect of Ireland now, when it had at last got free from many of the impediments which had so long embarrassed it, and had taken a start which it was impossible to control, would be content to remain any longer in that state of enthralment to which it was even yet partially consigned. That intellect would inevitably employ its noblest faculties, in accomplishing the destruction of those trammels which still encumbered its career; it would naturally seek to acquire that political power which had already been conferred on the lower classes of the country, and which undoubtedly it ought to enjoy, since, even in the judgment of those who made a bugbear of the enjoyment of such power by the educated portion of society, neither mischief nor danger had arisen to the community from the enjoyment of it by its most uneducated members. When the elective franchise was given to the common people, almost to the extent of universal suffrage, surely it was most foolish and impolitic to continue the restriction which prevented the Catholic elector from sending a Catholic representative to the House of Commons, and the Catholic nobleman from taking the seat in the House of Lords which he had acquired by descent from his ancestors. If it were not the intention of Mr. Pitt to arrive, at some time or other, at the proposition which he intended that night to submit to the House, then was Mr. Pitt, as well as all the great and commanding intellects who supported him in his legis-

lative measures with regard to the Catholics of Ireland, the most unwise and thoughtless of statesmen; for he had inflicted, by his measures of relief, an injury on the country which must terminate in a calamity to which he had some hesitation further to allude.

But he contended that, as to Mr. Pitt's intentions on this point, there could not be the slightest doubt. And here he would observe, that to him it was most surprising that those who called themselves the friends of Mr. Pitt, and the admirers of his principles, should, upon the greatest of all that minister's measures—ay, and upon that very measure which he adopted to accomplish the union with Ireland—lose all respect for his authority, and cast it off as unworthy of adoption, when the adoption of it was calculated to confer no less glory on his memory than benefit on his country. He had asserted, that Mr. Pitt had promised emancipation to the Catholics of Ireland, to induce them to consent to the union of their country with Great Britain. If any gentleman doubted the correctness of that assertion, he had authority to quote, which would convince even the most incredulous. All those who knew any thing of the political condition of the two countries just before the Union, knew well that in Ireland party animosity had risen to the most alarming pitch—that the whole page of its history had been traced in characters of blood—that the dissatisfaction of its different parties with each other had reached an acme at which it was improbable that it could long remain without producing the most lamentable results—and that the Union could never have been effected, had not the people of Ireland relied on the promises of Mr. Pitt, that they should be relieved by the Imperial parliament of the two countries, from the religious disabilities under which they had so long groaned, and from which they were aware that they never could be relieved by an Irish parliament. Thinking that their claims would be advocated in future by the commanding eloquence of Mr. Pitt, and that the measure of a legislative union would be the precursor of emancipation, the people of Ireland, with a generous confidence, delivered over the destinies of their country to his disposal; and it would now be the acme of ingratitude to turn round upon them, and say that their hopes should never be realized. That Mr. Pitt had held out such hopes to the Catholics—that he had given to them pledges on that subject, binding both in honour and morality—was evident from the assurance which he repeated to them in his place in parliament on his resignation of office in 1801. Mr. Pitt's words were these:—"The measure of Catholic relief appeared to me, and some of my colleagues to be indispensable. Finding we could not propose it from government, we thought it inconsistent with our duty and our honour to continue in office." Again, on another occasion, he said, "As to the merits of the question which led to my resignation, I am willing to submit them to the House. I and some of my colleagues in office did feel it an incumbent duty upon us to propose a measure on the part of government which, under the circumstances of the Union so happily effected between the two countries, we thought of great public importance, and necessary to complete the benefits likely to result from that measure; we felt this opinion so strongly, that when we met with circumstances which rendered it impossible for us to propose it as a measure of government, we felt it equally inconsistent with our duty and our honour any longer to remain a part of that government. What may be the opinion of others, I know not; but I beg to have it understood to be a measure which, if I had remained in government, I must have proposed." There was also a paper written, as he understood, by the late lord Castlereagh, under the immediate dictation of Mr. Pitt, and delivered by him as an explanation of his conduct to some of the leading Irish Catholics. It commenced as follows:—"The leading part of his majesty's ministry, finding insurmountable obstacles to the bringing forward measures of concession to the Catholic body while in office, have felt it impossible to continue in administration under the inability to propose it with the circumstances necessary to carrying the measure with all its advantages, and they have retired from his majesty's service, considering this line of conduct as most likely to contribute to its ultimate success. They (the Catholics) may with confidence rely on the zealous support of all those who retire, and on many who remain in office, when it can be given with a prospect of success; they may be assured that Mr. Pitt will do his utmost to establish their cause in the public favour, and pre-

pare the way for their finally attaining their object."

He was of opinion, that the passage which he had just read to the House left not the slightest shadow of doubt as to the intentions which Mr. Pitt entertained upon this great and important subject. He was of opinion that it disclosed not only the policy which Mr. Pitt intended to pursue upon it, but also the promises which he had made to the Catholics, and the confidence which they had placed in those promises. If, then, the Union was effected in consequence of the promises which Mr. Pitt made to the Catholics, no real union could take place, unless those promises, which were part of the conditions on which it was to take place, were realized. A mere act of parliament never had, and never could, unite two countries. A union of hearts and of affections,—a union of wishes and of interests, —a union which should produce such results as Mr. Pitt anticipated from it,—a union which should at once give prosperity to Ireland, and confidence to England,—a union which should let English capital flow into Ireland, and give to the capitalist some hope of having that capital returned to him with profit,—a union which should identify the welfare of the two countries, and make them not only cleave together, but incorporate,—such a union never could take place, unless the disqualifications of the Catholics were removed, and complete emancipation was established in their stead. Until that measure was conceded, Ireland would be a perpetual source of embarrassment to England, and instead of increasing its finances, would—to our shame be it spoken—be an inexhaustible drain upon them. He said to our shame—for that Ireland—with a people industrious, active and intelligent, as any people upon the face of the earth,—with habits of hardihood and bravery which have seldom been equalled, and never surpassed—with resources, in its soil and on its shores, which, by the combined efforts of the government and the people, might be rendered an endless source of wealth to both,—that Ireland, with such a people and such resources, should subtract from, instead of adding to, the available finances of the country was a disgrace, a reproach, to an Englishman wherever he showed himself.

As a measure of economy, emancipation ought to be granted to the Catholics, inasmuch as it would not only render unnecessary the military establishments which it was at present requisite to maintain at a heavy expense in various parts of Ireland, but would also save to the country those large sums which were at present drawn from it by a "junta of jobbers," to use the expression of Mr. Burke, and expended in the support of their own exorbitant and oppressive power. There were many reasons—so obvious that they required no mention—why that junta should oppose Catholic emancipation at present as strenuously as it opposed, in former days, a legislative union. It was only natural that they should oppose any measure which was likely to tear from their talons the prey which they had clutched so long; it was only natural that they should unite heart and hand to crush any plan which tended to prevent Ireland from being parcelled out in future for jobs, as it had been parcelled out in times past, from the days of Chesterfield down to those of Cornwallis. Their interest, undoubtedly, was, to fan into flame those embers of discord which parliament sought to extinguish; and parliament might be assured, that so long as they had any power, they would exercise it in thwarting its plans for the pacification of Ireland. From such a contest England might reap shame, but they must reap emolument. In such a conflict to England the burthen must belong, and to them the benefit, if benefit it could be called. It was his firm belief that, if the Union had been carried into effect in the manner in which Mr. Pitt contemplated, and if those calamitous circumstances had not occurred which frustrated all his designs, the public jobbers to whom he had alluded, would have sunk into their native insignificance. Ireland would have been released from the vampires which had so long drained its blood and its treasures, and, restored to a healthy and vigorous condition, would have been making ample returns to England, for the benefits she had received, by adding wealth to her coffers, and strength to her resources. Yes, Ireland, instead of weakening England, would have been a never-failing support to her; and instead of forming the point from which she was the most vulnerable, would have proved to her the most impregnable bulwark against all attack.

What he wished to effect by his measure

was, to make Ireland a shield of defence to England; and he must say, that he could not imagine any reasoning which could make any plain, sensible and considerate man agree to protract the present system of things. So far from its being thought practicable to continue the present system, the House had heard men of all opinions, actuated by the most opposite motives, with feelings not only adverse, but absolutely hostile to each other, all concurring in stating, that the present system could not, by any possibility, be suffered to last much longer. Taking that for granted, he would now say to all those who opposed his views—"If you cannot agree with my propositions, I have a right to call upon you for your measure, and to ask you what alternative you have to propose." They had now come to a period when things could no longer remain as they were. They had arrived at the point, long since conceived by those who had advocated a gradual course of conciliatory measures towards the Catholics of Ireland, at which it became necessary to complete the system of policy which was calculated to unite two great nations in one constitutional bond, and to cease to persecute individuals collectively, whom they respected individually, for holding opinions in religion different from their own. Of all animosities which existed either between individuals or nations, those which were excited by religious feelings were the least justifiable in their origin, and the most lamentable in their results. He could not see any reason why one man should think himself justified in hating and persecuting his fellow, because they differed in their mode of expressing their gratitude to their common Creator; nor could he think it any thing less than impiety for any frail or fallible mortal to set up his ideas of religion, as those from which it was impossible to deviate without being guilty of crime. And yet, such was the conduct of those who rendered men liable to civil disqualifications on account of their religious principles! In every country on the continent of Europe, with the exception of that country which was involved in more than Cimmerian darkness —he meant Spain—men of all religions were freely admissible to offices of rank and power. In England, however, which once occupied the very first rank as a liberal country, and which, with every allowance for national vanity, he still considered to be as enlightened, as instructed, and as informed a country as any under Heaven—in England, whose liberal institutions formerly served as a model of imitation for less-favoured nations, a system of intolerance towards those who dissented from the doctrines of the Established Church was still adhered to, with a rigour and an obstinacy that was not unworthy of the dark ages. He repeated, that in every country in the world, save only England and Spain, Catholics and Protestants live together on the most friendly terms, and without asking one another to which sect they belonged. They contributed equally to the burthens of the state, and as was fitting, were equally entitled to its emoluments and honours. In England—he said it with shame—the case was different. Her government stood forward as an exception to the tolerant spirit of the age, and by so doing, exposed a defenceless side not only to the taunts, but also to the weapons of her enemies. He had some consolation, however, in reflecting, that the spirit of the government was not that which actuated either the people or the assembly which he was then addressing. He looked back with pride to the resolutions of former Houses of Commons in favour of emancipation. He trusted that the present House would not desert the course which its predecessors had pursued—that its career would be progressive,—and that by adding the sanction of its vote to the votes of its predecessors, it would relieve the people of England of the expense to which the present mode of dividing and governing Ireland subjected them, and would put an end to the only source of danger which, in his humble opinion, the country had to apprehend.

He should not think that he was performing his duty to the House and to the country, if he did not call its attention to the nature of the dangers which it was supposed would emanate from granting to the Catholics the boon which they now asked. It had been said, that the measure which he recommended would give them additional power. He replied to that assertion, that it would give them no power which they had not at present; it would only remove from them a stigma by which they were unjustly, in his opinion, disgraced. It would restore to the sovereign his ancient perogative of employing in his service all his subjects, without regard to their religious sentiments—a prerogative

which it was for the interest of the nation that he should exercise, and of which his predecessors had only been deprived, because they had exercised it in subverting those fundamental laws on which its liberty depended. As, however, there was no danger at present of the prerogative being so misapplied—as the constitution had provided ample means of punishing any ministers who should permit such an improper exercise of the prerogative—and as the fears of mischief from the Catholics were about as absurd as those of mischief from ghosts and witches, all the grounds on which the disqualifications were imposed on the Catholics had ceased to exist; and such being the case, the disqualifications should cease to exist with them. Surely the phantom of fear should be banished from our bosoms, as the reality was no more; and the nursery recollections of the Pope and the Pretender should not be the only recollections which survived our childhood. Besides, if any danger were to be apprehended from the power of the Pope—which he altogether denied—the party who now opposed Catholic emancipation were the very persons who ought to be blamed for it. It was they who raised the Pope, when he lay grovelling in the dust, actually furnished him with a guard of soldiers, and restored him to that power with which they now attempted to "fright the isle from its propriety." If any danger was to be apprehended from the power of the Pope, ministers, knowing that it had six millions of discontented subjects to act upon in Ireland, ought to be impeached for allowing its restoration. He did not believe that any danger could arise to the country from the power of the Pope; and it was absurd to raise up that bugbear to frighten old women and children, at a time when the thunders of the Vatican had ceased to produce the smallest effect, even upon the most sensitive of rational beings. He could wish that those who took the trouble to read, would reflect a little upon what they did read, for, in that case, those who read about the terrible effects of the papal power in the twelfth century, without referring to the accidents which had befallen it in their own times, would see that they were frightened by images of their own creation, and not by any thing which had a substantive existence.

But, to return to the point from which he had digressed—the consideration of the dangers likely to arise from the adoption of the measure which he was presuming to recommend to the House. He had said first of all, that it would give no political power to the Catholics which they had not already; and secondly, that it would restore to the king a power to employ Catholics, of which events had rendered it necessary to strip his predecessors. He admitted that it would enable four or five noblemen, of the oldest and most illustrious families in the kingdom, to take in the House of Lords that station, of which their ancestors had been deprived. He admitted that it would enable some respectable noblemen in Ireland to exercise the privileges belonging to the peerage of that country. He admitted, also, that it would enable the freeholders of Ireland to elect Catholics to represent them in parliament. He would put out of view at present all speculative dangers arising from the power of the Pope, and similar causes, and would ask the House, whether the danger arising from the admission of four Catholic peers into the House of Lords, and twenty or thirty members into the House of Commons, was any thing that could be put into the balance against the well-grounded discontent of six millions of intelligent and active subjects, indignant at the injury they received from the withholding of their rights. Let the House recollect the caution of the satirist—

> "Curandum in primis, ne magna injuria fiat
> Fortibus ac miseris—"

The inhabitants of Ireland might be classed under both adjectives. They were "*fortes ac miseri*," and ought, on that very account, not to pass unregarded. He did not mean to say that if parliament persisted in the same career of injustice which had marked its steps for many years, the Catholics of Ireland would be so provoked beyond endurance, as to think the connexion with England unworthy of preservation at the expense of their civil rights. By no means. He trusted that they would see that finally—ay, and even shortly—the justice of their cause, if strengthened by discretion and moderation, would bring their long-continued efforts to a happy and a glorious termination. He admitted that, of late, many expressions of discontent had been used by those who acted as the Catholic leaders, which he could by no means pretend to justify; but he was sure that when the House recollected how

great was the number of Catholics, and how insignificant the number of those who had indulged in such expressions, it would deem it the height of injustice to attribute to the whole body, the blame due to the hasty words spoken by a few individuals in a state of excitement, and would view with satisfaction, the forbearance and discretion displayed by the great majority of these ill-used, but still patient and loyal, subjects of his majesty.

The great practical point for the consideration of parliament was this—"Since we cannot stay where we are, what are we to do?" Supposing that parliament should determine to stay where it was—then he would say, that the leaders of the Catholics of Ireland would act more wisely in teaching their followers to look, not so much at the wrongs they had suffered, and the injustice they had endured, as at the humane relaxation made of late years in the severity of the penal code, by the liberality of English legislation—at the gradual lightening of the chains under which their forefathers had groaned—and at the immense and rapid progress which their cause had made, in all parts of the empire, during the last thirty years. They should call the attention of their followers to what they had already received, and to what was still left them to receive; they should contrast their condition at the commencement of their exertions with their condition at present; and they should show them, what was most important—that their cause had been never retrograde, always progressive, and that it was proceeding with a rapid and steady pace, which should satisfy them that the period of complete success was not very far distant.

The hon. baronet then proceeded to recapitulate his former arguments. Either this measure ought to pass, or it ought not. If it ought to pass, then the sooner it did pass, the better. If it had passed before the present discussion, it would have been still better than passing it now; since much valuable time would have been saved, and many beneficial effects, which he now only anticipated, would have been realized to the country. Still he should be happy to see it adopted, even at this the eleventh hour; and, when he considered every thing that had passed upon the subject—when he recollected that it had frequently met with the concurrence of that House, and had been honoured by the support of almost every man of great and commanding talent who had enjoyed a seat in it during the last thirty years—and, when he reflected, last of all, that the most ardent hopes had been excited in the minds of the Catholics of Ireland by the conduct of the king himself in visiting that country, he was not without some expectation that this session of parliament would not pass away without some further concessions being made to the Catholics [hear]. He said, that when the king of England paid a visit to his dominions in Ireland, he went there to assure his Catholic subjects of the completion of their just and laudable wishes. If such were not his majesty's intention, he could not divine the reasons which induced ministers to advise his majesty to make a visit with all the pomp and circumstance of royalty to that unfortunate country. To be allowed to come within the presence of the king, had always been considered as equivalent to a pardon of the criminal. The ferocity of James 2nd, in refusing the unfortunate duke of Monmouth admission to his presence, had been vindicated on the ground, that if he had granted him such admission, he could not have permitted the penalties of the law to be executed against him. He said that, when the king received the Catholics of Ireland into his presence, it was giving the nation an assurance, that their disabilities should be done away. They construed his majesty's conduct in that light; and the letter which lord Sidmouth had written to the lord-lieutenant, by his majesty's desire, in which he advised the people of Ireland to conciliation and concord among themselves, justified them in that construction of it. For what hope could they extract from it, except that of complete emancipation? The language of lord Sidmouth might, as the treaty of Limerick did, admit of a double interpretation, with statesmen and diplomatists; but it could admit of no such interpretation with men of ardent spirits and generous minds;* for it was of that description which went at once to the heart. Let the House recollect the sensation created in Ireland by the visit of his majesty in that country. He was the first English sovereign that ever went there as the harbinger of peace: he was received as if he had been the Messiah bringing healing on his wings; he was delighted by the cordial welcome with which he was hailed by every party in the island; and the peculiar kindness which he displayed

to his Catholic subjects, led them to expect the completion of the expectations which they had so long and so dearly cherished. At that moment, when the feeling of Ireland appeared to the colder feeling of England to transgress the proper limit, lord Sidmouth sent a letter to the lord-lieutenant, in which were the following paragraphs:—

"I am further commanded to state, that the testimonies of dutiful and affectionate attachment which his Majesty has received from all classes and descriptions of his Irish subjects, have made the deepest impression on his mind, and that he looks forward to the period when he shall revisit them with the strongest feelings of satisfaction. His Majesty trusts that, in the mean time, not only the spirit of loyal union, which now so generally exists, will remain unabated, and unimpaired, but that every cause of irritation will be avoided and discountenanced, mutual forbearance and goodwill observed and encouraged, and a security be thus afforded for the continuance of that concord amongst themselves, which is not less essential to his Majesty's happiness than to their own, and which it has been the chief object of his Majesty, during his residence in this country, to cherish and promote. His Majesty well knows the generosity and warmth of heart which distinguish the character of his faithful people in Ireland; and he leaves them with a heart full of affection towards them, and with a confident and gratifying persuasion, that this parting admonition and injunction of their Sovereign will not be given in vain."

He said, that such language must be considered as the statement of his Majesty's sentiments upon the subject; and it would be in the highest degree unbecoming, to suppose, that his Majesty had elevated with one hand the hopes of the people of Ireland, in order to enjoy the miserable pleasure of dashing them to the earth with the other. From all that he had said, it was perfectly manifest—it must be manifest—to the mind of every unprejudiced man, that the Roman Catholics were not considered unworthy, even by the highest individual in the realm, of whatever advantage they or their children might derive from a full participation in the English constitution. They were, it was evident, considered as fit subjects from their attachment to the state, from their support of the government, from their affection to the person of the king, to share equally with their Protestant brethren (and they asked no more) the rights and privileges of the constitution under which they lived, and which they had defended with their best blood. If nothing were meant by such indications except the mere delusions of the moment —if it were intended merely to soothe and to deceive for a temporary purpose—then he must say, that such a course was at once the most disgraceful and the most mischievous that could be imagined. Could any thing be more decidedly calculated to cherish and call forth that faction and sedition on which gentlemen opposite were so fond of remarking, than by thus raising in the anxious minds of men, proverbial for their warm feelings, expectations which were never intended to be realized? That they were intended to be realized—that they would be realized—that the boon would be most gratefully received—that it would effect a firm, an indissoluble, union between these two nations, an union productive of mutual strength, happiness, and prosperity—he could not suffer himself to doubt even for a moment. He confessed he was ashamed to look at the course which they must pursue, if they determined on the only alternative which was left to them, if they turned away from the prayers of their Catholic fellow-subjects. Unless they were prepared to remove from their table all the petitions which had been presented as unworthy of notice—unless they were prepared to root out of the minds of the people of this country (if they could), not the new page of distraction which was open in Ireland, but the old page of 1798—a history which he thought it painful to allude to—which, in his opinion, and for the purpose of his argument, it was quite sufficient distinctly to point at—they must concede that which was now firmly, but justly and respectfully demanded. Unless they had made up their minds to this point—unless they wished to perpetuate discord — they must yield these long-withheld claims. They had no choice left. They had arrived at a point where all animosity, all little jealousy, all suspicion, should cease; and they ought not to leave that path which would lead to so desirable a consummation. There were two paths before them. They had arrived at that critical point where the roads separated. It was for them to choose whether

they would select that which was environed by difficulties, and which conducted to danger, or that which led to peace and security.

"Hic locus est, partes ubi se via findit in ambas:
Dextera, quæ Ditis magni sub mœnia tendit;
Hâc iter Elysium nobis; et læva malorum
Exercet pœnas, et ad impia Tartara mittit."

This was the only choice remaining; and he trusted that the House would take the right path. If they refused to listen to the prayers of the petitioners—if they shut the door against conciliation—if they took the left hand path—he apprehended that consequences the most awful would follow. Let them well consider that the circumstances of the year 1695 and 1826 were wholly and entirely different, and called for a different course of policy. In coming to the consideration of this question, he hoped that its opponents would look on it, without reference to party feeling; that they would have their motives purified—their ideas enlightened and expanded—and, above all, that they would approach it with charity in their minds—so that they might arrive at such a decision, as the present state of the country, its prosperity, and its security rendered necessary. He had nothing further to offer on this important subject. He should, therefore, propose as a resolution,

"That this House is deeply impressed with the necessity of taking into immediate consideration the laws imposing Civil Disabilities on his Majesty's Roman Catholic Subjects, with a view to their relief."

Lord *Morpeth* said, that, in rising to second this resolution, he was extremely happy to observe, that much of the difficulty which he must necessarily feel on such an occasion was removed by the able and excellent address which had been delivered by the hon. mover. He had, in anticipation, made use of every argument which the supporters of the Catholic claims could adduce, to show that emancipation was a measure equally demanded by policy and by justice. The hon. baronet had supported his view of the question with such powerful reasoning, with such forcible and eloquent illustration, that it would be worse than useless for him to dwell on topics which had been so ably handled, or to dilate on conclusions which had been rendered clear and obvious to all. The measure which it was the object of the hon. baronet's motion to effect, was not only founded on principles of justice, but came recommended to the notice of the House most impressively, as one which was strictly in unison with sound policy. He knew not how parliament could, at the present day, deny civil privileges to men against whom no fault could be alleged; whilst, on the other hand, no correspondent merit could be found amongst those who confined such privileges to themselves, that could sanction any such exclusive advantage. That sentiments of respect for, and attachment to, the consitution, did exist amongst the Roman Catholics, was sufficiently clear; and that feelings of exasperation, occasioned by their exclusion from the privileges of that constitution, also existed, he would be a bold man who should venture to deny. The hon. baronet had presented to the House a most striking and feeling picture of the present situation of Ireland, a picture so true, so well wrought up, that he would not venture to touch it, lest he might lessen its effect. He thought, however, that the concurring testimony of all which they had read, and of all which they had heard, would enable them to arrive at this conclusion, that, at the present moment, the Roman Catholic population of Ireland was roused, to a man, on this vital question. He admitted, as all must admit, that much had been done, of late years, for the Roman Catholics, for which they were exceedingly thankful. But he felt in this case, as was the case in all human affairs, that a benefit conferred was not received with perfect satisfaction, unless it was perfect and complete; and he thought that the feeling of gratitude must be weakened, when, although a benefit was conferred, a real grievance, a grievance of a positive nature, was suffered to remain in existence. This it was which filled the Roman Catholics with a bitter feeling: this it was which prevented them from viewing the rights they had acquired with unalloyed satisfaction; nor would they ever truly relish the privileges which they had recovered, until they procured all those which they had a right to claim. He would say nothing with respect to actual resistance on the part of Ireland, if those claims were refused; because he well knew how much it excited the spirit, and exasperated the feelings, of those who took a view of this question different from that which he maintained; but he could not avoid observing the ap-

prehension and the fear (he would not throw the word aside) which filled the minds of those gentlemen, when they contemplated the possible consequences of refusing the claims of the Roman Catholics, when the happiness and welfare of millions were at stake. When the fate of the empire was at issue, when they were menaced with foreign war, such a question as this demanded a dignified, a manly, a liberal, or, in other words, a wise policy. While discontent prevailed in Ireland—while the state of affairs was so alarming in that country—what prospect met their eyes on the continent of Europe? They were lately on the brink of war with a foreign power. Had that war taken place, and had the Catholics of Ireland, disgusted with the treatment they had received, refused to join our armies, how much would such an event have distracted the attention and paralyzed the efforts of this country! But, on the other hand, if the Roman Catholics forgot every thing (as he was sure they would do) but the safety of the country; if they came forward and defended the constitution; with what feelings of self-reproach must their exertions be viewed by those who now prevented them from participating in its benefits? Situated as the Roman Catholics were at present, with what grace could the state ask of them to fight its battles? The Roman Catholic might be again required to appear on the plains of Salamanca, or under the walls of Badajos. He might be again called on to risk his life, to shed his blood, in defence of a state, which exacted his energies as a soldier in the field, but would not requite his services as a citizen in the senate—which rewarded his glories and his triumphs with degrading suspicions, with dishonourable jealousies, and with galling disabilities. In the uncontrollable course of events, a period might arrive, when the firm and heartfelt union of the Roman Catholics of Ireland with their Protestant fellow-subjects would be of paramount importance to the public welfare; and he would ask those gentlemen who were prepared to oppose the resolution of this night, whether they were contented with the present state of things in Ireland? If they were not, then he demanded, what system they meant to substitute in its stead? Until this question was answered—until gentlemen declared what remedy they meant to propose to allay the irritation which had so long prevailed in Ireland—it was in vain to attack Catholic doctrines, Catholic priests, or Catholic lawyers. The fate of an empire—the fate of their descendants—would be influenced by the measures which might be adopted towards the Roman Catholics. Having the honour of a seat in that House, he might possibly hear more potent arguments within the doors of parliament against granting further concessions to the Roman Catholics, than he had hitherto heard out of them. He alluded to the stale declamation about Papal supremacy and divided allegiance, on account of which it was argued, that Roman Catholics ought to be deprived of political privileges. These would be very amusing subjects of speculation, if his majesty happened to have no Roman Catholic subjects. But having Roman Catholic subjects, it was not beneficial for his majesty's dominions to deprive them, on account of these disputed points, of their civil privileges, to reject their claims, to thrust them out of the pale of the constitution, instead of soothing their feelings by conciliation and kindness. Was it not monstrous to proclaim that a numerous and wealthy body of men—that a body of peers, illustrious for their high descent, for their honour, and unblemished conduct—the descendants of men, who, as the hon. baronet truly observed, had fought the battles and settled the liberties of England—was it not monstrous to proclaim them as the followers and supporters of a church, the doctrines of which were incompatible with the principles of civil freedom? Were they to be deprived of rights which their fellow-subjects enjoyed, because they were unwilling to give up the religion which they professed; and the abjuration of which would justly draw down on them contempt and scorn? It was argued, that if Catholic emancipation was granted, such a measure would in effect, remove the bulwarks of the Protestant church. Now, he had always considered it as one of the great distinctions of the Protestant church, as one of its proudest principles, as one of its most glorious attributes, that it did not stand in need of such temporal props and bulwarks. Let bulwarks be allowed to those religions which wanted them most. False religions which, from their weakness, were liable to be overturned, were those alone which demanded support of this description. Let the Jesuit, who wished to instil

into the ear of the monarch his insidious doctrines—let the Apostolical, who was desirous of promulgating, all over the globe, his pernicious opinions—let them have their props, let them have their bulwarks; but while they felt that the foundation of the Protestant church was perfectly firm, while they felt that it could not be shaken nor undermined, let the means by which they would prove that they entertained such a feeling be the most extensive toleration. By taking an opposite course, they denied the origin of their religion, which was founded on toleration, and they degraded the doctrines which they affected to support. Many persons, he knew, believed, that if this measure were carried, it would not be productive of any good in Ireland. They said, "We sympathize with the distress of our fellow-subjects in Ireland; but how much of it would be removed by Catholic emancipation?" This was viewing the question through a most contracted medium. He would not attach more importance to this measure than it was worth; but, because it would not create capital—because it would not provide food for the hungry and clothing for the naked—because it would not at once rain down manna on the impoverished land—was it, therefore, to be rejected as useless? Was it nothing to dispel the many angry feelings which now prevailed? was it nothing to see irritation soothed? was it nothing to have confidence restored? Were they to reject these benefits—were they to condemn this measure—because it did not start forth as an actual miracle? The Roman Catholics were accused of intolerance of spirit; they were accused of being too obedient to the Catholic priesthood; and their leaders were represented as factious and seditious. Let their grievances be redressed, and these complaints would soon cease. The sting would be taken out of their minds: there would be no longer any grounds for inflammatory harangues: that would then cease to exist which, in the minds of their hearers, rendered their exaggerations praiseworthy, and their violence excusable. This exasperation of feeling, this warmth of expression, arose from hope continually deferred. Would no reward attend the fulfilment of that long-cherished hope? Was there nothing pleasing—was there nothing worthy of note—in the awakened gratitude of a generous people? Parliament had resolved to assist their Catholic allies in Portugal. Why, then, did they not take the most effectual means to cultivate peace and good-will with the Catholics of Ireland? They might again be at war with Catholic Spain, and therefore he called on the legislature to unite the Catholic subjects of Ireland in the cause of Protestant England,—He had but very few words more to address to the House. If he had used language more confident and assured than became his experience in parliament, he hoped he should be excused by those who heard him. But the warm interest which he felt in this cause—a cause which enlisted on its side every prudential calculation, as well as every generous principle—impelled him to speak thus boldly. It was a cause, the foundation of which was truth and justice: it was a cause which was supported by expediency: it was a cause which, in the end, would triumph on a principle much stronger—the glorious principle of Protestant liberality, and the brotherly principle of Christian charity. It seemed to him most surprising that in a House which boasted, and justly boasted, of its Christian feelings, there should yet be found so many individuals who denied to themselves the satisfaction—he would call it the luxury—of solemnly espousing so excellent a cause. He thought, and he hoped, that the resolution of that night would secure the tranquillity of Ireland; and he could not view without apprehension the dangers to which its refusal might lead. He firmly believed, however, that no fear need be entertained of such an event; and he indulged in the pleasing anticipation, that those counsels which had hitherto been pursued for the purpose of making England great, would henceforth be directed towards making Ireland happy [hear, hear].

Mr. *George Dawson* said, that, while he differed entirely from the sentiments expressed by the noble lord who had just sat down, he could not avoid congratulating the House upon the acquisition of eloquence and talent which it had obtained in the person of that noble member. He rejoiced that the subject of Catholic disability was now before the House; and, whether the result of that question should be favourable or unfavourable, he hoped the effect would be, to tranquillize the country. If favourable, he trusted the Roman Catholics would learn moderation, and, if unfavour-

able, he hoped they would perceive the folly and mischief of resistance. Whatever might be the result of the present question on this occasion, he was convinced the House and the country ought to take into consideration the state of Ireland, with the view of coming to some decision on the subject. He was as ready as the noble lord to admit that the present state of Ireland could not continue. No man, with a heart in his breast, could behold the aristocracy of the land bewildered and terrified by the extinction of all respect—the gentry wholly supplanted—the merchants and professional men converted into the abettors of political violence—the peasantry ready to rush into any excesses: no man could see such a state of things without feelings of sorrow and regret. It was on these accounts he rejoiced at the question being brought under the consideration of the House; and trusted, when set at rest, that the result would be favourable to the future tranquillity of the country. Whatever decision the House might come to on the motion of the hon. baronet, their decision should be followed up by some act of the legislature, calculated to ameliorate the condition of Ireland. No man, acquainted with the Irish character, but would admit, that the people of that country were the most susceptible in the world; but, although they delighted to exercise their ingenuity and intellect in change, yet were they easily subdued by firmness and decision. He, therefore, hoped that a system of firmness and decision would be adopted in relation to Ireland. He should not labour to prove that the admission of the Roman Catholics to the privileges of the state was contrary to the whole spirit of the constitution; and he would not attempt to reply to the eloquent argument that had been founded on the supposed natural rights to a participation in the advantages of the state. The hon. baronet had urged the violation of the treaty of Limerick, committed by England, in the exclusion of Roman Catholics from power: and that was a subject which would require more than a passing observation. The treaty of Limerick had no reference to political privileges: it related partly to the possession of property, and partly to the exercise of the Catholic religion. By it, the Roman Catholic was relieved from the necessity of taking an oath of allegiance which would have rendered it impossible for him to enjoy the exercise of his religion. In the stead of this, another and a milder oath was substituted, which did not interfere with the Roman Catholic's enjoyment of his religion. This was one of the advantages derived from the treaty of Limerick. From the arguments of the promoters of this measure, one would imagine the Catholics to be in a state of bondage; but such was not the case; for, in almost every instance, they were on a footing with their Protestant fellow-subjects. Their property was under the protection of the law—they enjoyed the right of the elective franchise—were eligible to sit on grand juries, and expend the county money—and they possessed full liberty of speech and action. From that House they were certainly excluded; but, to say that the great body of the Roman Catholics at all cared for this parliamentary exclusion, was false; and it was equally a mistake to say, that their bond of union was occasioned by the existence of the disqualifying laws against them. The bond of union between the Roman Catholic aristocracy and the peasantry was, in fact, the Roman Catholic priesthood. It was not founded on a communion of interests; it was not built on a conviction, that such an union was necessary, but was entered into on the mere authority of the priest. It was not effected by an exhortation, calling on those parties to join in a struggle for civil rights. It was not brought about by painting the glory which would attend the success of such a struggle. No; the priest advised them to unite as the followers of the holy Catholic church: they alluded to its former greatness, and to its present distressed state: they predicted the overthrow of the established religion: they called on every Roman Catholic to be true to his faith: and they required of him to use his best efforts to procure for the Roman Catholics of Ireland the restoration of Catholic power and of Catholic supremacy. Such was the manner in which that bond of union was cemented. This was not an idle statement: it was not an exaggerated picture. It was a corrollary, which flowed naturally from irrefragable facts, well known to all who had studied the history of the Roman Catholics of Ireland. What, he would ask, was the cause of the many wars which had, from time to time, desolated that country? He thought it might be answered, that they originated in the

machinations of the Roman Catholic priesthood, and the unceasing desire which they cherished to overturn the Protestant religion. Religion and religion only, was the foundation of those wars. During the reign of Elizabeth thousands of English lives were sacrificed to this principle; and the entire reign of William 3rd was an unceasing struggle to break down the power of the Irish chiefs. What had been the character of the dreadful events which occurred in 1641, and were only paralleled by the Massacre of St. Bartholomew. The authority of Dr. Leland might be referred to, in order to show the great influence possessed by the Roman Catholic priests over their flock: and it should be remembered that those priests had been themselves educated in foreign seminaries, and brought up in a belief of the necessity of unlimited submission to the Pope. They were also instructed in the power possessed by the sovereign Pontiff to absolve subjects from the oath of allegiance pledged to their legitimate rulers. The hon. member having referred to, and quoted a passage from, Dr. Lingard's book, in proof of the existence of these "pestilent doctrines," proceeded to advert to the wars carried on in the time of Cromwell, in Ireland, which, though apparently conducted under the pretence of attachment to the cause of royalty, were really caused by an attempt to drive Protestantism out of the country. In the reign of James 2nd the Catholic supremacy, and an attempt to establish it, was openly avowed; Protestant ministers were rejected from church preferments; Protestant lawyers were expelled the courts of Justice; Protestant property was confiscated; and Protestants were included in lists of attainder, by name. Was the recollection of those transactions lost upon the people of Ireland?—a people notorious for the accuracy of their historical recollections; for, if deprived of the means of reference to history for facts, and of the power to acquire such knowledge, if furnished with an opportunity, that defect was amply supplied by the minute traditions handed down to them from father to son, and which described the glories of their ancient church—that deficiency was further supplied in the inflammatory harangues of seditious demagogues. If there was any man who could doubt the causes of the civil wars which had occurred in Ireland, let him bear in mind the circumstances connected with them. If he doubted that their object was, at the present moment, to establish the supremacy of their church—if he doubted that their intention was to restore the church property, and to re-establish the ancient power and glory of the Catholic church—let him attend to what was now passing in Ireland—let him attend to what was daily occurring in the Catholic Association—and, if he did attend to those proceedings, could he doubt the hostility of the Catholics to the religion of the Church of England? In what manner did those persons speak of this country? They designated England as a haughty mistress: they exulted in her sufferings, gloried in her distress, and triumphed in the possibility of seeing her naval power set at nought by the steam boats of America and France, by which they calculated on supplies of men, ammunition, and arms, in any future revolt; and, to bring about such revolt, they were using every possible effort. They affected respect for the laws, while they set them at defiance. They described the Established Church as a curse to Ireland. It was impossible to animadvert, in terms sufficiently strong, upon the Catholic Association, and the priests, for their gross and scurrilous attacks upon the Protestant Church. Having disseminated their poison in every cabin in Ireland, they sought, under its influence, to effect their own purposes. To such an extent had they proceeded, that the clergy, and other members of the Protestant Church, could not meet each other in public, with the intention of promoting morality and religion, by the establishing of Bible Societies, without being subjected to attack from the Catholic priests, Catholic demagogues, and their adherents; because they were anxious for the dissemination of the Bible, they were accused of intending to attack the principles of the Catholic faith, and were, in consequence, disturbed in their proceedings, menaced, and insulted, by some arrogant priest. The Church was thus attacked; the laws were thus contemned; the cause of justice impeded. Protestant magistrates, witnesses, jurors, and judges, were reviled, intimidated, and persecuted; and would continue to be so persecuted, unless the legislature should interfere for their protection. They were held up to reprobation by orators, at public meetings, by priests at their altars, and in the

columns of the Catholic press—simply because they were Protestants. By attending to those proceedings, hon. gentlemen would perceive that a new race of men had sprung up in Ireland—men who arrogated to themselves the right of directing the whole energies of the country, and who, if not stopped in their career, would soon establish a power which even the legislature of the united kingdom would feel it difficult to suppress. The Roman Catholic priesthood, who exercised over their flocks such unbounded sway, had only lately re-entered the political arena, where their proceedings were marked with all the ancient characteristics of their class. They were a body of men unknown to the constitution—irresponsible to any power, spiritual or temporal, acknowledged by the law of the land, as now established —a body of men assuming and wielding political power greater than the legislature itself, and against the acts of which the law furnished no remedy. And it was to add to, and consolidate, that power, that the hon. baronet had just called upon that House. At first sight it did not strike him, that the concessions sought for would be attended with danger to the country. But when, on more mature consideration, he took into his view the conduct of the Catholic leaders and Catholic priests, he was induced to change his opinion. What had been their conduct of late? Every connexion between landlord and tenant had been severed: all the respect, attachment, and affection, previously borne by the tenantry to their landlords, had given way before the influence of the priests. In lieu of gratitude for the kindness of his landlord, the priest taught the Irish tenant to look upon him as a tyrant who oppressed and withheld from him his rights. What hon. gentleman, after such treatment, could blame the landlord for having recourse to the utmost rigour of the law in securing his just rights? They had caused every landlord to act the part of a Shylock towards his tenants, and to insist upon his bond; for it could not be supposed that a man of large possessions, which had descended to him from his ancestors, would tamely see himself robbed of his proper influence, and set at defiance by his tenantry. It could not be denied that the elective franchise in Ireland was conferred on the tenantry by the landlords for their own benefit. The elective franchise in Ireland did not, as in England, arise from the possession of property; but was a right conferred by the landlords in granting leases, and it could not be contemplated in any other point of view than as a property vested in the hands of the tenant for the benefit of his landlord. That system might be foul and unconstitutional; but, was its character changed, and the danger to be feared from it lessened, by transfering the use of it to the hands of the priests? Whether good or bad, it would, for the sake of humanity, have been much better to have left it in the hands of the original owner, than to have it alienated and exercised under the influence of the Catholic priests.—Dismissing political considerations, what was the effect to the tenant produced by his opposition to his landlord's interests? He was expelled from his home—deprived of employment—consequently, of all means of support—and, with his wretched family, sent to wander upon the high roads. It was said by the priests, and their party, whatever the mischief arising to these unfortunate people from the system, that the landlord had, in thus punishing his tenant, acted as a tyrant. The tenant was uniformly described as the victim of oppression, through his zeal for religion; and was extolled by the Catholic demagogues as a martyr for the good of his country, because he had burst through all the ties of gratitude. It was impossible that any thing could be more untrue than such inferences. It was true, that the priests had, in almost every instance, succeeded in detaching the tenants from their landlords; but in none of them had the tenants followed the conviction of their own minds. They had been made the victims of the most unfair and reprehensible practices, and menaced with temporal injury and eternal punishment—the priests threatening them with all the vengeance of the Holy Church, denying to them religious consolation and absolution, even refusing the sacrament, and, in some instances, extreme unction, to the poor creatures who had not voted at the late elections as those priests had desired. The priests thus abused the power invested in them by the practice and the rules of their church, not to excite to acts of patriotism, but to deeds of ingratitude. Let their apologists exculpate them if they could, but let them not profane the sacred name of justice, by saying, that it was in a just cause that those exertions had been used

—that it was in promoting a patriotic object that the Roman Catholic priests had thus exercised the power with which they had become clothed, holding up their wretched followers to enmity in this world, and menacing them with eternal punishment in the next. This was no idle declamation, nor any picture of the imagination. Happily, he possessed numerous and most uncontrovertible proofs of the truth of his statements. With the leave of the House, he would proceed to read those documents, and lay before the House transactions such as had never before been unfolded in a British House of Commons. Those documents referred to the proceedings that had taken place at the late Waterford election. The reading of them had excited in his own mind so much surprise and horror, that he had been at no little pains to ascertain their truth, fearful that, otherwise, they might be considered incredible. On the documents which he was about to read, he rested that part of his case, and felt that he should not be doing his duty, if he did not make known to that House, and to the people of England, the proceedings of the parties implicated, before the legislature blindly conferred power on people, of the real nature of whose designs they would otherwise be ignorant. The documents he was about to read were intended to be submitted to a committee of that House, in support of a petition of one of the present representatives of the county of Waterford; for unfortunately the petition had not been in time; but, even if it had been in time, the only result would have been the displacing of the member in question, and the ordering of a new election, at which the same arts might have been put in practice which had already prevailed; for that reason he, for one, would have been adverse to the prosecution of the petition, as he wished to save the country from a repetition of such scenes and such practices. In order to show the real disposition of the tenantry, he should now beg leave to read the documents he held in his hand. The first was, an address to the marquis of Waterford by his tenantry, which was their own spontaneous and voluntary act, not got up by agents or other interested persons, and of which his lordship had no knowledge, until it was presented. It was as follows:—

"We, your lordship's tenantry of the barony of Gaultier, in the county of Waterford, professing the Roman Catholic religion, humbly beg leave to address you at this momentous crisis. We have heard with the strongest feelings of indignation and regret the calumnies industriously circulated, tending to represent your lordship as the advocate of intolerance, and the professed enemy of our holy religion; but, my lord, it is with the most heartfelt satisfaction we come forward to refute these calumnies. For generations have our forefathers been tenants on the farms which we now hold —from father to son have these farms descended — at the expiration of one lease has a new one been granted to the same family; and we have never known, nor ever heard, of a preference given by your lordship, or your agent, to a Protestant over a Roman Catholic tenant. If promoting the comforts of your Roman Catholic tenantry—if contributing largely to the building and improvement of their places of worship, are instances of bigotry and intolerance, then, my lord, we must confess that these charges are well founded; but it is with pride and with pleasure we come forward to proclaim to the country in general, and to the county of Waterford in particular, that in acts like these, and these alone, your intolerance is to be found. Happy as we are, ourselves, in living under the protection of a kind and benevolent landlord, we cannot but behold with pain the insidious arts daily practising, to rend asunder the ties which bind the tenant to his legitimate protector. Humble as are our own situations in life, we are aware of the purposes for which these arts are practised; with us they can never prevail: we feel too sensibly the comforts we enjoy—we feel what we owe to the nobleman to whom we are indebted for these comforts, and when the day of trial comes, we pledge ourselves to prove by our exertions to forward your lordship's interest by every means in our power, the sentiments we justly entertain of your lordship's kindness and liberality."

This address, which was signed by five hundred and ten individuals, was not got up by any agent of lord Waterford: it was the spontaneous effusion of his tenantry, and he himself did not even know of it until the deputation waited upon him with it. Could it be believed, that in a few short months after the presentation of this address, the greater part of those who signed it should have voted against lord

George Beresford? Was it likely that this was the free act of the tenants themselves? But, to show that it was not so, the tenants themselves after the election, had without scruple detailed the struggles of their minds, and with tears in their eyes had implored their landlord to forgive their desertion, and confessed that the priests, by their threats, had induced them to be guilty of it. In order to show how these unfortunate men had been influenced by the arts of the priests, he would read the affidavits of some of the men themselves, which were as follows:—

"John Corcoran, of Newtown, maketh oath, and saith, that on Sunday, the 4th day of December, as he was attending divine worship at the chapel of Grange, he then and there heard the rev. Michael Tobin, parish priest, preach from the altar in the following words:—'That there were people in the parish leading the congregation to the devil, and to their own damnation, by inducing them to vote against their religion. That they were following Orangemen, and that he would not hesitate to name lord George Beresford as the Orangeman, and the strongest pillar supporting hell; that, for his part, he, the said rev. Michael Tobin, would neither now or ever give them confession, or extreme unction, or any sacrament of the church, but they might die like dogs, and go to hell, and there look to Curraghmore for assistance.'

"Patrick Magrath maketh oath, and saith, that in the month of December, 1825, a station of confession was held at Derry, in the parish of Modeligo, and that he the said Patrick Magrath was refused confession by the rev. Father Whelon, parish priest of the said parish, in consequence of his being one of the avowed supporters of lord George Beresford, whom he called a devil and an Orangeman; Patrick Magrath further swears, that in the month of April, 1826, he was dangerously ill, and having sent for a priest to Dungarvon, on his inquiring who the person was, for whom his attendance was required, a message was sent to him by the priest, informing him that if he turned to God, and to Mr. Stuart, and themselves, and leave lord George Beresford, he would get the benefit of the priest, but on no other conditions.

"William Moore maketh oath, and saith, that on the 22d of January, 1826, he was attending divine worship at the chapel of Grange, when he heard the rev. Pierce Sexton, the officiating priest on that day, make use of the following words from the altar:—'That he wished to say a few words to the congregation about this election business; that there were a great number of Catholics who sold their souls to the devil. and that the gates of hell, which were the gates of Curraghmore, were open for them; that lord George Beresford was the highest devil! and that he, the rev. Pierce Sexton, would not give any of those people confession, nor absolution, nor communion, but let them die like dogs, without the benefit of their clergy. He then exhorted the congregation to support Mr. Stuart.'

"Maurice Owens maketh oath, and saith, that on Sunday, the 4th day of December, 1825, he was present at the chapel of Grange, and that he heard the rev. Michael Tobin make use of the following words from the altar:—'That the parishioners were led to the devil in hell by an old pirate, that they ought to take better care of their souls than to join any Orangemen, that lord George Beresford was at the head of the Orangemen, and the enemy of their religion, and that he, the said Michael Tobin, would see them die like dogs without confession, or the rites of the church and going to hell, unless they voted for Mr. Stuart, and support their religion.'

"Patrick Owens maketh oath, and saith, that on Sunday, the 29th of January, 1826, at the chapel of Grange, he heard the rev. Pierce Sexton declare, that he would not give confession, nor extreme unction, nor any sacrament of the church, to any persons that would go against their religion, by voting for lord George Beresford, that this was the time to make resistance, and that all who did not, should be allowed to die like dogs, that they may go to Curraghmore to look for help, and get them out of hell. He, deponent, further saith, that he heard the same language on several other Sundays from the rev. Michael Tobin.

"Michael Nugent maketh oath, and saith, that on Sunday, the 5th day of March, he attended divine service at the chapel of Knockbray, and that he there heard a priest, whose name he believes to be O'Mara, publicly declare from the altar, in the face of a numerous congregation, that if any man there would vote

at the next election for the man who opposed Catholic Emancipation, he would not admit that man to communion, nor would he give him absolution; and that no man who would so vote for the enemy of emancipation need think of the benefits of the jubilee.

"John Fitzpatrick maketh oath, and saith, that on Sunday 12th of March, he attended mass at the chapel of Modeligo, and that he heard the rev. Patrick Whelon express himself from the altar in the following words:—'That any of the parishioners who would vote for lord George Beresford, should never get confession, nor any rite of the church from him, that he never would attend any of them on their death-bed, and that if there was a second devil it was lord George Beresford.'

"Patrick Shea maketh oath, and saith, that on Sunday, March 12th, he heard the rev. Thomas Kearney, in the chapel of Aglish say:—'That there was a respectable farmer in the parish, who was drawing the whole parish to hell, by supporting lord George Beresford, who was the head of the Orangemen, and the enemy of their religion.' He further saith, that the whole sermon was upon the election, and that the rev. Thomas Kearney said, he would expose them from the altar before the whole parish, and would not give any one of them the rites of the church.

"James Kiely maketh oath, and saith, that on Sunday, the 11th of June, in the chapel of Ordmore, where he went to hear mass, that father Michael Tobin addressed the congregation in Irish after mass, and charged them not to vote for lord George Beresford, because he was an Orangeman and would cut their throats. He declared that no person voting for lord George Beresford should get confession, nor extreme unction when dying, and that no person should either buy from or sell to him that should so vote. James Kiely further states, that since his return home from the election, he had occasion to purchase potatoes for the use of his family, and that having applied to Edmund Hannigan, in the parish of Ardmore, he, the said Hannigan, refused to sell them to him, stating that his reason for not selling them was, that he had received express directions from the priest not to do so, because he, James Kiely, had voted for lord George Beresford.

"Maurice Morrissy deposes on oath, that when he was attending divine service on Sunday, June 18th, at the chapel of Abbeyside, he heard the rev. James O'Brien declare from the altar, that he would curse any man who voted for lord George Beresford, that if on sea, he (the priest) would pray to God to sink them in the deep, and if on shore, that he would pray to God to afflict them with fever and sickness, from which they would never recover. And the deponent verily believes, that in consequence of such dreadful threats from the altar, all the tenants and friends of the marquis of Waterford, of whom a great number attended on that day, were afraid to give their votes to lord George Beresford at the approaching election.

"Cornelius O'Daly states, on oath, that on Sunday, the 9th day of April, he heard the rev. Mr. Welsh address the congregation in the chapel of Aglish, in Irish, from the altar, in the following manner: 'That the agents of lord George Beresford wanted to send them to the devil, but that if he could prevent them, he would. He said, that if any of them who were there assembled should vote for lord George Beresford, he would punish them as a priest; that they must all know that he, and every priest in the county, had orders from the bishop to caution the people against voting for lord George Beresford, and that, for his part, he would expel every one from the church who would vote for the enemy of their religion; that if they did, they would go to the devil, and that he would stick to them as a priest until he got them clear to the devil.'

"Thomas Welsh deposeth, on oath, that he heard the rev. Mr. Buck say, that he had laid a curse on all those freeholders who had gone down in the morning to Waterford, on the 21st of June, to vote for lord George Beresford, that he had laid a curse on them, and their cattle, and corn, and every thing belonging to them, and to their generation after them; and that he forbid any one to speak or have dealings with such persons.

"John Toole deposeth on oath, and saith, that about the middle of the month of March, having been appointed to a situation in the Excise, which required the production of a certificate of his baptism, he applied to the rev. Father Marum, parish priest of the place where he was baptized, for such certificate, that the rev.

Father Marum abused him, saying that he was a renegade, rascal, that he was going to vote against the religion, and that he was not obliged to keep books for rascals like him, and refused him the certificate. He applied again and again for it, and every time received the same language. At last he got the certificate, and that Father Marum insisted upon the payment of 5s., which deponent gave to him.' John Toole further states, that on Wednesday, March 22, Father Larkin held a station at the house of Felix Toole, deponent's father, at which several persons attended to receive the holy sacrament. He deposed that he applied to Father Larkin to administer the sacrament to him; that Father Larkin refused to do so, saying that he was not allowed to administer the sacrament to such persons as intended to vote for lord George Beresford against their religion and country. Deponent states further, that his father, Felix Toole, was refused the sacrament by Father Larkin for the same reasons."

It was useless to fatigue the House with further affidavits of this kind, having as he trusted, read quite sufficient, to acquaint them with facts of such a revolting nature. One of those which he held in his hand, stated circumstances of the most horrible kind, in reference to sixteen priests of the diocese of Waterford, with their bishop at their head. It was by such means that they had succeeded, as they would continue to succeed, in every similar effort. He had read the affidavits referring to their conduct, because he was sure the House was not prepared for a thorough investigation of the question, without a knowledge of the conduct of the Roman Catholic priests, and of the manner in which they used their influence and their power. He had also been induced to refer to the conduct of those persons, because of a horrible calumny pronounced, the other night, against the Protestant clergy of this country; namely,* that the Roman Catholic clergy had only done that which the Protestant clergy of this country did, and that the latter were not more justified in interfering in elections than the former. The law might give the Catholic priests the right to vote and to interfere; but the law did not give them the power to delude, to menace, and to harass the minds of such of their flocks as did not vote in the way directed. The hon. gentleman concluded by expressing his opinion, that the Roman Catholics did not so much look for political power, as for spiritual supremacy. The Catholic religion remained unchanged, and so long as it should continue unchanged, so long would it be necessary to oppose the claims of the Catholics.

Mr. *Spring Rice* said, he would not trouble the House long, still there were some points of his hon. friend's speech to which he felt it necessary to offer a short reply. On previous discussions of this question, he had refrained from more than shortly pointing out the reasonableness of the Catholic claims, and giving his vote; but the line of argument followed by his hon. friend, induced him to depart from the course which he had hitherto followed. The hon. baronet and the noble lord near him, had called on the opponents of the measure which they recommended, to suggest some other measure calculated to give peace to the country. With that call his hon. friend had not complied. His hon. friend agreed with the hon. baronet, that the state of Ireland was one not only of suffering, but of danger; but, according to the arguments of his hon. friend, they were not only not to relieve, but to suppress and subdue. But, if the opponents of the Catholics should have the will to adopt this latter alternative, had they the means of executing it; or did they think that the Irish nation would submit to it? From some expression which fell from his hon. friend opposite, one would have thought that he had formerly been friendly to the Catholic claims, but had altered his views, in consequence of the practices of the Roman Catholic clergy, which he had stated to the House. Against the return of Mr. Stuart, not one but two or three petitions had been presented; and if the facts stated in those petitions were true, there could be no doubt that the return for Waterford must be set aside. But the petitioners had shrunk from examination, [hear, hear]—no; they had not shrunk from examination, but they had shrunk from the cross-examination, of the committee, and had put those affidavits into the hands of the hon. member for Derry; who, forgetting all his kind feelings towards the Roman Catholics and the Roman Catholic priests particularly, had come to the conclusion, that the Roman Catholic priests had done every thing laid to their charge in those affidavits; and the hon. member, acting upon that conclusion, had come down to the House, and called upon

hon. members to give unqualified belief to statements coming before them under such circumstances. And whose affidavits were those? The affidavits of Roman Catholics: the affidavits of men who, according to the favourite hypothesis of the hon. member, were not to be believed upon their oaths. Now, either the affidavits were good for nothing, or the hon. member had, by calling Roman Catholics as his witnesses, admitted that they were men not unworthy of credit on their oaths. After the use made by the hon. member of the testimony of Roman Catholics, he ought to be the last man who, upon any future occasion, should venture to say, that the oath of a Roman Catholic, in support of his professions of attachment to his king and to the constitution, was not worthy of credit. If the Roman Catholic, assailed by the landlord, on the one hand, with a threat of withholding from him the ordinary comforts of life, and appealed to on the other hand, by a sense of duty, or by higher, or by spiritual considerations, had acted contrary to the wishes of his landlord—had disregarded the privations of this life, and had attended to the appeal of his priest—so far from blaming the Roman Catholic who had thus acted, he would say, that he had given up the lesser consideration, and had acted from a higher impulse.—But even admitting that all the evils arising from the interference of the Roman Catholic clergy had been greater than the hon. member had that night endeavoured to depict, what, in God's name, had produced those evils? That religious and political conflict, which existed only where the feelings of Protestants and Catholics were exerted against each other by an unjust and mischievous penal code. That was the cause of the mischief; and those who, in that House, complained of the mischief, were bound to remove the cause of it. Before he called the attention of the House to the state of the forty-shilling freeholders, he must beg the attention of the House whilst he traced the origin of that dissociation between the landlord and tenant which had been made the subject of so much complaint. The hon. member for Derry seemed to think, and would wish the House to believe, that it was originated by the Roman Catholic priests in the county of Waterford. Such was not, however, the origin of that association. He held in his hand a document, which contained an address to the freeholders of Ireland, on the eve of a general election. The hon. member here read the address, which called upon the electors to forsake their landlords, and to attend to themselves. It adjured them, in the name of their God and of their country, to act as principle should dictate; to regard not the threats of landlords or agents, who required them to fail in their duty to God, to their country, and to themselves—to avail themselves of their privilege—to look to posterity, and not, by their votes at the then ensuing election, entail slavery upon their country. This appeal, which was as forcible as any that could be made, did not originate in the year 1827, nor with the Roman Catholic priests of Waterford. It was the address of men who had done honour to themselves, and had redeemed Ireland—it was an address to which were affixed the signatures of the predecessors of the hon. member for Derry—it was the address of the Protestant delegates at Dungannon to the Protestant voters of Ireland—it bore the names of individuals whose successors were most loud in their complaints against those who had acted upon that recommendation: and, by a singular coincidence, it bore the name of one hon. member who had fallen a victim in that struggle, which was the consequence of the abandonment of landlords by their tenants.—The Roman Catholic clergy and laity, from one end of the country to the other, felt that the time had arrived when they, regardless of home, of private feeling, of happiness, of every thing but character, ought to come forward and do their duty towards their country; and they did come forward, and sacrifice every thing to their duty to their country; and he, for one, respected and highly prized such a manifestation of public spirit. If lord George Beresford—of whom he did not wish to speak with asperity, but rather with feelings of regard for his private character—if lord George Beresford, whose political opinions were well known, had been returned in opposition to his hon. friend (Mr. Stuart), whose political opinions were also well known, the Roman Catholics knew that it would be urged as an argument, by the opponents of their claims, in support of the assertion, which had frequently been made, and as frequently denied, that the majority of the Catholics were indifferent upon the question of emancipation; and

they were, therefore, determined to show to the world, that the question of emancipation was one to the success of which the bulk of the people were not indifferent. If the Roman Catholics of Waterford had returned a foe instead of a friend, he would have been the first man to admit, that they were indifferent about political rights, and that being indifferent, they were unworthy of having those rights conferred upon them. Although it might be true that the Catholic peasant did not feel exclusion press personally upon him, yet it was equally true, that he felt it by that sympathy which bound all classes of Irish Roman Catholics together. The poorer classes might not expect a direct benefit from emancipation. Its advantages might not reach them directly; but its spirit, like the air, would influence them; and if a constitutional stigma and reproach were fixed upon the nobility, it descended, in its degree, to the lowest grade. He was ready to put the whole question upon this point—had any man ever met a Catholic peasant of mature years who did not know that there was a distinction in the law between Catholics and Protestants, and that that distinction was injustice? Even though the theory of the laws were perfect wisdom, and their application regulated by the strictest justice, so long as the mass of the people in Ireland believed them to be unjust, so long would life and property be without security; and so long would that unhappy country be the scene of discord and tumult. In England the constable's staff was respected, by virtue of public opinion; but in Ireland the people had no confidence in the laws, and, therefore, the usual and ordinary symbols of law excited other feelings than those of respect. In Ireland, attempts had been made to govern by opinion, and attempts had been made to govern by force; but neither had succeeded, and neither would succeed, until justice should have been done to the great bulk of the people.—He did not mean to stop for the purpose of entering into a defence of all the acts of the leading members of the Catholic Association; but, when he heard the hon. member for Derry urge as an argument against the Catholics the violence of the proceedings of that association, he could not help saying to the hon. member, "Will you put your sincerity to the test in that respect, if the Catholics be tranquil? If Mr. O'Connell and Mr. Sheil confine themselves to their profession, and give up political discussions, will you withdraw your opposition to emancipation?" Any hon. member who was ready to answer that question in the affirmative, might, perhaps, be justified in complaining of the violence of the Catholic Association; but, if the hon. member for Derry was not ready to do so, he must say, that the hon. member, when he spoke of violence, merely used it as a make-weight in the scale, and a delusion, because he was afraid to come forward and pledge himself, that, under no circumstances, would he grant any concessions to the Catholics.—He implored the House, even then, at the eleventh hour, to do the only act which could tranquillize Ireland. He thought that, upon such a subject, the testimony of Irish members was worthy of the greatest attention by many hon. members of that House, some of whom had never been in Ireland, and most of whom knew little or nothing of the state of society in that country. He trusted that those hon. members would not, upon slight grounds, reject the appeal of the majority of the members for that country, to grant the only measure which could tranquillize her, and preserve the connexion between it and England. When the question of the Union was discussed in Ireland, the opponents of that measure said—"What can a few Irish members do among so many English members?" The supporters of the measure replied—"Trust your lives, your honour, your property, and your hopes, in the hands of a British House of Commons, and it will feel for your sufferings, when they are brought under its notice by your members.—Depend upon it, the generosity of the English people will not suffer you to be overpowered by numbers." He trusted that, upon the present occasion, the prediction made at that period would be verified, and that hon. members who knew nothing of the country, of their own knowledge, would attend to the statements of those hon. members who had the deepest interest in the tranquillity of that country. This was not a question about a sugar island, more or less—it was a question affecting a large body of men on the other side of the Channel—it was a question of national prosperity; it was, in short, a question of British connexion. To those who used the phrase "Protestant Ascendancy," he would merely say, that

it was a phrase unknown to the British constitution, whose foundation was civil and religious liberty. To those English members who might support this motion, he would say, that they could justify themselves to their constituents by saying, "If we have saved the influence of the Pope, we have also saved the Income tax; if we have let sixteen Jesuits into Stoneyhurst, we have been enabled to reduce sixteen regiments of soldiers in Ireland." The hon. member, having thanked the House for the indulgence which had been extended to him, sat down amidst considerable applause.

Mr. *Villiers Stuart* said, it was not his intention to detain the House by going at length into the discussion of the general merits of the Catholic question. He was aware that it had been already so often and so ably treated by men far more competent than he could pretend to be, that it would be a waste of time for him to go over the various grounds on which it rested. But to-night there were features—features of a modern character—to which he felt himself entitled to allude, and to request the consideration of the House—features which had been pointed out and criticised by the enemies of Catholic emancipation, as affording grave reasons for opposition, but on which he, on the contrary, would rely as grounds for concession. He referred to the conduct of the freeholders, and to the interference of the Catholic clergy, at the late general election in Ireland. He would first speak of the body of men which he had mentioned last in order—men, whose unostentatious piety, and zealous discharge of their professional duties, were unsurpassed by the clergy of any other persuasion, but who unhappily, had been the objects of as much groundless aspersion and unmerited obloquy as, he would venture to say, party spirit, even in Ireland, had ever bespattered the victims of its malice. God forbid that his motives, in defending the Catholic clergy should for a moment be misunderstood; God forbid it should be supposed that he was about to vindicate the interference of churchmen in temporal affairs: So much the contrary, that he protested he knew no language strong enough to express his condemnation of such a practice; but owing its origin to the crabbed and crooked policy of the very men who were foremost to cry out against it, it excited in him no surprise, but some regret, that the Catholic clergy, from the peculiar hardship of the situation in which they were placed, were forced, in self defence, to follow the example set them by many of their Protestant brethren, without any of their excuses and palliations [cheers.] He repeated, that, after all, they had but followed the example set them by others; for he should be glad to know the occasion when the clergy of England had been slack in exerting themselves politically. It should be remembered by those who spoke harshly of the conduct of the Roman Catholic clergy, at the late elections in Ireland, that they stood in a disadvantageous situation in comparison with the clergy of the Established Church, who were freeholders in every county, and who were represented by the bench of bishops in the House of Lords. The hon. member should have also stated the cause of interference of the clergy. The cause was Catholic oppression and, as long as that oppression continued, so long would the interference which it provoked prevail. The measure proposed by the hon. baronet was the cure for the evil of which the hon. member complained—the union between the clergy and laity. It would have the effect of breaking the link that united the laity and clergy of Ireland in one common bond of indignation. It was impossible to expect to have the distemper healed unless its symptoms were got rid of; and the people of Ireland must be discontented until those laws were repealed which they believed to be the originators and perpetuators of their oppression. The hon. member for Derry had made exaggerated statements, however, as to the extent and manner in which the priests exercised their influence. Indeed, that man knew but little of the Irish people who thought that it required the exercise of any influence to induce them to act as men sensible of their wrongs, and desirous of having them redressed. They were alive—deeply and sensitively alive—to the injuries under which they suffered. In reference to the conduct of the priesthood at the county of Waterford election, he would state to the House what occurred. For some months previous to the election, instructions were given by the clergy to the freeholders, as to the manner in which they were to discharge their duties at the election. They were told that they were to be guided in giving their votes by the dictates of their conscience; that they

were to vote for the person best qualified to represent their feelings and their interests; and that, in short, they were to vote consistently with a faithful observance of the oaths prescribed for them to be taken. This was the whole of the conduct observed by the Catholic clergy—this "the head and front of their offending." As to the charges adduced by the hon. member against individual clergymen, he could only say, that he totally disbelieved them. There was a remedy open to the hon. member against the offending parties; if charges of improper conduct could be proved against them, they might be called to the bar of that House, and, if found guilty, punished for a breach of the privileges of the House. He, for one, would not complain of any award the House might come to upon that subject; and he would take the liberty of stating, that in a conversation which he had with the bishop of Waterford, that prelate expressed himself anxious that an opportunity should be afforded him and his clergy of clearing themselves of the aspersions which, through the press and various other channels, had been wantonly circulated of them. With respect to the conduct of the forty-shilling freeholders, he was himself favourable to the fair influence of the landlords over their tenantry, though he was not an advocate for an absolute control. It was because he was an advocate for such a legitimate influence, that he supported the present measure, which would establish that congeniality of feeling between them that was created by an identity of interests. He wished to see a tenantry grateful for the kindnesses of a protecting landlord; but there were limits to gratitude, as to generosity, and other virtues. A nation could not be generous with her honour, a woman with her virtue, or a freeholder with his franchise. He would ask, would not a freeholder be unworthy of the exercise of that franchise which the constitution gave him, who would vote for a candidate who, even by his own avowal, was ready to brand him as a traitor to his king, a perjurer to his country, and an idolator to his God.

"Was ever *voter* in such humour woo'd?
Was ever *voter* in such humour won?"

If a candidate was to canvass a manufacturing town, who declared himself favourable to a high price of corn; or a candidate for an agricultural district who declared himself for a cheap price—could either expect to meet with support? Or was it reasonable for an Anti-Catholic member to expect support on becoming the representative of a county, when he was opposed to the religion of a majority of its freeholders? He was adverse to the interference of the clergy of any religious persuasion in political concerns; but the interference which was now complained of, was the natural and necessary consequence of the law; for that interference there was but one cause—Catholic oppression; and but one cure—Catholic emancipation.

Mr. *George Bankes* rose and said:—

Sir; the remarks of the hon. member who has last spoken, though eloquent undoubtedly in no common degree, cannot, as I think, remove from our minds the impressions which he desires we should dismiss.—My hon. friend, the member for Derry, had already anticipated many of the observations which we have just now heard and proved by reference to the address of lord Waterford's tenantry, that those tenants gave their votes adversely to their landlord's interest, not because he had shewn himself high and haughty towards them, not because he entertained sentiments opposed to their wishes or obnoxious to their feelings, but because, worked upon by the power and influence of those who govern their minds with absolute sway, they were compelled to act in opposition to every feeling of affectionate obligation, and to withhold their gratitude from one whose benefits they acknowledged as those of a friend and a father.

With respect to the affidavits which we have heard discussed, I concede that so long as their authenticity or veracity is impeached on grounds which may appear plausible, we are not justified in receiving them as proofs; but the general history of the late memorable election for the county of Waterford is denied by none; and the active, deep, daring interference of the priesthood on that occasion, is admitted as well by those who think such interference justifiable, as by those who hold the very opposite opinion.

But, Sir, I am aware how many there are in this House more competent to discuss this question with reference to the present internal state of Ireland than I can pretend to be; and I pass, therefore, to a more general view of this question.

It is not without an unfeigned sense of diffidence that I venture to express sentiments adverse to the recorded opinions

of those, whose mighty names and exalted characters have formed the brilliant constellation adverted to by the hon. baronet, a constellation capable of shedding light and splendor on any cause; a combination of intellectual power, such, it has been truly said, as never was before combined for effecting any one purpose.

I may, perhaps, endeavour to palliate in some degree the effect of these great authorities, by remembering that it is ever the nature of persons endowed with commanding talent, to overlook difficulties, and to undervalue danger, for they are politically bold and adventurous, in proportion as they are politically powerful; and yet, Sir, if it were agreeable to the ordinary course of human nature, that we should always have such men amongst us, sincere members of our Protestant faith, I might then, perhaps, feel in some degree justified if I were to surrender my own opinions on the faith of guarantees so powerful. On such guarantees I might venture to rely, that, if they should fail in preserving for me the scheme of protection which they had promised, their power should reinstate me in that tried security which I had been persuaded to forego; but, Sir, we are called upon to legislate for all times, and for all circumstances, taking into account the ordinary course of human nature, and the probable current of events.

There is an observation of a French writer, commenting on that part of the history of his own country which relates to the celebrated Edict of Nantz, who, when adverting to the state of security and confidence in which the Hugonots of that day indulged, with reference to their then present condition, and with reference to their then prospects for the future, expresses himself to this effect: "they had no right," he says, "to indulge in that security, they had no reason to entertain those hopes, nor to repose in that confidence, for it was contrary to the probable current of events, that France never should have a Cardinal Richelieu, or that she should always have a Henry 4th;" and it is, Sir, as I fear, contrary to the ordinary course of human nature, that we should always find amongst the members of our Protestant faith, an uninterrupted succession of men gifted with endowments in that eminent degree which is justly termed rare and extraordinary; whilst, on the other hand, it is highly consistent with probability, that, whenever the doors of this House shall be open to members professing the Roman Catholic belief, if there shall be found, within the limits of the three kingdoms, an individual of that persuasion, who, with splendid talent and enterprising genius, shall combine the fascinating command of eloquence, such a man will no sooner be discovered, than we shall, in this place, have an opportunity of appreciating his influence; and can we doubt of the course which he will pursue? At the head of a powerful party, powerful whether numerically strong or not, because powerful in the peculiar and sacred character of its compact, is it not probable that he who shall direct such a party will at once aspire to procure for it an equality with every other in the state? and, when equal, will he rest satisfied with equality? or, if he will, can such equality be obtained otherwise than by pulling down much which it is as yet pretended we are to retain? Can it, otherwise than by invading rights and overturning securities, of which no man has as yet been so hardy as to confess, that he will either sanction or suffer the destruction?

Sir, I can desire to see no such party; I can desire to see no such leader as members of our legislature; for I deprecate every attempt and enterprise which their interests, their feelings, and their religion, must inevitably lead them to promote. I can guess where that spirit of enterprise would commence, though I may not guess where it would end. It would commence by an attack in that quarter of our constitution where stands our established church; and, although I may not allow myself, under any circumstances, to apprehend her downfall; and, although I do believe, that her foundations are sound, and rooted in the hearts of the people, yet, Sir, it is my desire to see that church substantially and effectually secured from insult as well as from aggression. It has been sometimes said, that, so long as the interests of our church are essentially secured, it matters little, whether those who may be admitted to have seats in the House of Commons, shall love, reverence, and prefer that church, or whether they shall have interests and attachments binding them by the ties of affection, to its establishment; but, to this line of argument, I for one, am no subscriber; for I hold that it is material, and greatly material, that those who have seats in this

House, shall love, reverence, and prefer, all and every part of our constitution: and when I consider that we have tests and qualifications imposed, which require assurances of interest and affection to every other part, I am at a loss to discover by what rule of right or of reason the church alone can be deprived of this just and necessary protection. Thus, with respect to that part of our constitution which relates to the Crown, we have a test and qualification requiring, that all who have seats in this House shall be natural-born subjects of the Crown; born, consequently, with interests and feelings favourable to the splendor, dignity, and legitimate power of that Crown, which it is their pride to preserve unsullied and unassailed. So with respect to that part of our constitution which relates to the present disposition of property, and to the laws by which this arrangement is preserved, we have a test and qualification which requires, that every one having a seat in this House shall be possessed of a certain portion of such property, sufficient to insure in him an interest and a prejudice favourable to this present arrangement, and to incite him to a vigilant guardianship of those laws by which his own possessions are assured to him. And is it too much to ask for our church, that we should have at least so much of a test and qualification in her favour, as tends to prevent those from having seats here, who profess to be incited by a double interest for her destruction; that is to say, the desire to destroy a system they condemn, and the yet more powerful desire of setting up something which they love better in its place?

We are told, and it has been often and warmly urged upon us as a reason for hasty concession, that already many advantages have been lost by delay, and that we at this day may still have it in our power to secure some, which, at a later period, it will be impossible to obtain.

Thus we are told that, twenty years since, our predecessors in this House might have obtained from the warm, open-hearted people with which they had to treat, the important concession of the Veto; and when, at a subsequent period, that boon was stigmatized by the party who would have conceded it, as no better than a pain and penalty, and as forming a part of the system of persecution and insult to which they were exposed, yet even then, it is said, might have been obtained the valuable security of domestic nomination; and when this proposition was in its turn retracted and denounced by the high authorities of the Roman faith in Ireland, as utterly incompatible with the dignity and integrity of their church, even yet it is said, and up to a very late period, might have been obtained, the privilege of subsidising their priests. Sir, I can participate in no regret that is founded on the loss of any one of these supposed opportunities; I cannot lament that all treaties of compromise, founded on the basis of such imaginary securities, have failed of success; nor can I ever desire that we should attempt to purchase our own tranquillity by means of a schism amongst our Roman Catholic fellow subjects.

I should find it difficult to persuade myself that the Veto would have been less stigmatized, or that domestic nomination would have proved more palatable to the Roman Catholics, had they been in fact conceded, and vested in Protestant hands, than they have, now that the event is different, and that Roman Catholics are still free from the supposed degrading tendency of those propositions. Sir, if it had happened that the concessions required had been granted twenty years ago, on the security of the Veto, it is my firm belief that we should at this day have been employed in discussing the propriety of retaining that security; that we should have been to-day engaged in a discussion of the same nature as the present, but in its circumstances more painful and perplexing; we should have been engaged in this discussion, in an assembly divided into two parties, both equally dissatisfied, both dissatisfied with what they had given, and both dissatisfied with what they had got; we should have been engaged in this discussion, having amongst us a certain number of Roman Catholic members, chosen for their pre-eminence of zeal and energy, who would have entered the House unfettered by any personal concern in the arrangements of twenty years ago; and, if we had talked to such men of securities and settlements, would they not have asked, how we could presume to exact reverence for securities and settlements, who had shewn so little respect to the settlements and securities of our forefathers? Might they not have asked, how it happened that we presumed to attach a more sacred and inviolable character to the laws of the reign of George the 3rd,

than we allowed to the laws of the reign of the 3rd William?

To arguments of this description I should, for my own part, have found it difficult to offer a reply; but I pretend to no deep powers of reasoning, and I shall, I know, in the minds of many, diminish yet further the trifling value of my opinion, by confessing, that I have ever found my understanding incapable of surmounting the first and palpable difficulty of this question which relates to the succession to the crown.

If, Sir, I am told that our king is the head of our Protestant church, so have I been told that our Houses of Parliament are the pillars of that church, and I look to the soundness of the foundation as being no less material than that of the superstructure; and, if I am told that the Crown of England is and ought to be essentially Protestant, so am I obliged, by parity of reasoning, to infer, that all power emanating from that Crown, is and ought to be Protestant also; to distinguish between that power and that Crown, is to distinguish between the sunshine and the sun; it is a distinction which I am not capable of making, nor of rightly comprehending.

We have been often told, that we, who maintain a line of argument opposed to what is asked, are reduced to this dilemma, namely, that we are called upon to vindicate certain tests and securities which are adequate, it is admitted, to their purpose of excluding persons whose doctrines of faith are in some degree objectionable; but, whilst they succeed to this extent, they wholly fail, it is said, in excluding those whose doctrines of faith are infinitely more obnoxious, or in excluding those who have no doctrines of faith at all; thus, it is argued, the Jew and the Atheist may walk into the House of Commons, but the Roman Catholic must stop at the door:—and, Sir, if this were, practically and legally speaking, true (which it is not), we have authorities, and amongst others that of my lord Bacon, for considering that an unbeliever may be less dangerous to a state than he who carries professions of faith to a wild and extravagant excess. "Atheism," says lord Bacon, "leaves a man to sense, to philosophy, to laws, to reputation, all which may be guides to an outward moral virtue, though religion were not; but Superstition dismounts all these, and erecteth in the minds of men an unlimited uncontrollable monarchy." Sir, it is this monarchy which I fear; it is this monarchy which has in the county of Waterford dismounted and expelled every sentiment of gratitude and attachment from the hearts of a people by nature kind and affectionate [cheers]. Sir, it becomes me to disclaim, in the most unequivocal manner, any intention of offering an invidious or offensive comparison between Atheists and members of the Roman Catholic faith: it has been my desire to avoid all topics of irritation and offence; I have endeavoured to abstain from the use even of such arguments as have been stigmatized as obsolete. But here, I must be permitted to remark, that so long as those who argue on the other side of the question dwell upon pains and penalties which no longer exist, as proofs of the persecuting spirit of that law, of which they form no longer a part, so long will it be just to recur to these events and causes which gave rise to those pains and penalties.

Sir, it is undoubtedly true, and possibly the observation may be applicable to either side of this question, that, in the lapse of time, and under change of circumstances, many arguments used heretofore with much force and effect are now abandoned as useless and untenable. I have for my own part had sufficient experience in this House to remember the time when the humiliation of the Roman See, afforded ample scope and materials for those who ridiculed all fear of the interposition of foreign influence, or of papal dominion. I shall not easily forget the impression produced by one of the energetic appeals of the late Mr. Grattan, when pointed in this direction. "Where," he inquired, "are the splendors of the Vatican? Where the terrors of the Inquisition? are they not prostrate in the dust? and this Pope! this tremendous potentate! have we not seen him, a slave and bondsman strapped to the war-horse of a great captain?" Sir, we had seen all this—and the force of the appeal was felt in proportion as the truths on which it rested were recognized—but we, to whom life up to this period has been spared, we have seen yet more than this: we have seen the restoration of that Vatican; and have, as the hon. baronet observed, ourselves assisted to restore it; we have seen too, though without our assistance, the restoration of that Inquisition, and we see the successor of that slave and bondsman, sitting on the throne of his predecessors, not unmindful of his tem-

poral rights, nor of his ecclesiastical dominion. We see him in his capacity of legislator, looking back to the dark ages for a code of laws suitable to the ideas of government, which his religion teaches him to prefer—he fixes on the feudal system as the most approved model, and completes its perfection, by incorporating with it the rights of sanctuary and of ecclesiastical immunity from crime. In his executivé capacity, if the journals of the day speak truth, he is no less faithfully engaged, by following implicitly the examples of his early predecessors; he commences the work of persecution with those who have no king to protect, no government to claim, and no country to receive them; these are, indeed, heretics with whom we, perhaps, have not much either of feeling or of interest in common, and for us, whilst our persons are in those territories respected, and our religion partially connived at, it may appear hardly worthy of notice that, should we happen there to end our lives, our dust will not be permitted to desecrate that holy soil: long may it be, before we shall have any higher complaint to urge, or any more serious proof of ingratitude to encounter, in return for the heavy load of obligations which we have conferred. But, ingratitude, Sir, is the weed of every soil and of every clime; and painful indeed it is to experience it, in that favoured clime and soil, where of all others we had the least reason to apprehend it; in that new world which we have just called up into life and liberty, and new political existence—painful indeed—to find it there in its freshest and most virulent rankness! But of this truth we are assured by the united testimonies of the latest travellers in South America; I may refer in particular to the testimony of captain Head, whose observations and researches, in that continent, whilst affording much instruction and amusement, are, I believe, no less justly esteemed for a character of unimpeached veracity. This writer mentions as an occurrence of the other day, that when the inhabitants of St. Juan, one of the principal cities in the southern part of the American continent, were informed of a charter of religious toleration granted by their government in favour of the English, they rose in a body, the priests seized the governor in his bed, and committed him to gaol, whilst the charter was burned in the market place by the hands of the common hangman, amidst the shouts and acclamations of the populace. We are often told that Roman Catholics are not necessarily papists; thus the poet Pope said of himself, that he was a Roman Catholic but not a papist; and the same distinction was taken by the earl of Bristol in the reign of Charles 2nd, who styled himself a member of the church of Rome, though not a member of the court of Rome; the same earl of Bristol, by the way, who spoke in favour of the Test Act, because his conscience, as an honest Englishman, he said, enjoined him so to do, and then voted against it, because the interest of his church imperatively obliged him to oppose it. Now, if every distinction between Roman Catholics and papists could fairly be taken—if there ever was a people which, whilst it acknowledged and claimed a title to the first of those denominations, could fairly reject and repudiate the other, that people we find in the people of South America: for, by the ancient and fundamental charters and constitutions of colonization for those territories under the auspices of the kings of Spain, it was expressly granted and conceded by the popes of those days, and ratified by all their successors, that, on that continent of the New World, no bull of the pope should have effect, no nuncio of the pope should set his foot, no interference of the pope either direct or indirect should be attempted or acknowledged; the Roman Catholics then of St. Juan are not papists, nor have I any right to charge to the account of the pope the unkindness shown to us in that quarter. Nor yet was this act of ingratitude committed under the dynasty of a Ferdinand, of a bigotted despot, but in a regenerated government, a republic; not under an absolute monarchy—no—but under the monarchy of Superstition [cheers].

The hon. baronet invited our attention to the present condition of foreign countries, as illustrative of this great subject of discussion; and, as he did not think it expedient to make any reference to the transactions of the New World, I am content to confine all further observations to our own quarter of the globe. Is it, then, in Italy, or is it in Spain, that we find any thing to contradict the accusing voice of history? With respect to Spain, indeed, the hon. baronet has admitted, in unqualified terms, the baneful properties of Superstition. And are we so sure of the issue

of the struggle now carrying on in Portugal, that we can venture to predicate of our allies, that they are ready to adopt our principles of religious toleration, as well as our free form of government? or that they have found either the one or the other compatible with the interests of their church? Is it not the fact, that accounts are this very day received of an intercepted correspondence between some of those who pretend to uphold the free constitution, and those who, with arms in their hands, denounce it openly in the name of their religion? But the hon. baronet points our attention more particularly to France; and is there in that quarter no just occasion for alarm? Has not France retrograded in liberty, in proportion as her priests have regained their influence? Have not the Jesuits re-appeared, and re-established their reign of Superstition? And the press of France, that root and fountain of liberty, is it not at this hour threatened by the open attacks of Roman Catholic Bigotry [loud cheers]? And even if these warnings did not already exist in France, how could we have ventured to set up the authority of twenty years against the warnings of a history of centuries? Is it possible to think of France, and not remember, that France was the country of the League? of that league, which preached and practised in its full extent, the principles of divided allegiance; of that league, which commanded its king to turn his arms against his Protestant subjects; which compelled one monarch of France to resign his power, and another to renounce his religion? But France was, it is true, the country of Henry 4th, and of his faithful minister Sully; and there is, indeed, a pleasing subject of contemplation in the tried friendship of those great men, little disturbed by the opposite doctrines of faith which they adopted. There are, however, other memorials of this king and of his minister, besides those which the bare outlines of history present to us; and, if their practical example may seem to justify one line of inference, the record of their deliberate opinions must inevitably lead us to a very opposite conclusion. Sully, in his memoirs, speaks thus, when adverting with matured reflection to this subject:—"If to reconcile the two religions is morally impossible, it may with equal certainty be said to be politically impossible; since it cannot be done without the concurrence of the pope, and this can never be expected, since it was not obtained of Clement 8th, who of all popes who have sat in the See of Rome, was most free from prejudices, and had more of that gentleness which the gospel preaches to its followers." And we have the opinion of the great and tolerant Henry yet more strongly recorded to the same effect, in the sketch of that grand political scheme which he employed so much of the later period of his life in organizing. His plan for the settlement of religious opinions and persuasions throughout Europe was thus laid out: "The three religions," he said, "which principally prevail in Europe, namely, the Roman, the Reformed, and the Protestant, are so established, that there is not the least appearance that any of them can be destroyed, all, therefore, that remains is, to strengthen those nations who have made choice of one of these religions in the principles they profess; Italy, therefore, should preserve the Roman religion in all its purity, the same with respect to Spain. In such states as that of France, where there is a governing religion, whoever should think the regulations too severe, by which Calvinism would be always subordinate to the religion of the prince, might be permitted to depart the country." Such, Sir, were the opinions of these persons, whose example is so often cited to us as the best practical illustration which history affords of the principle of religious toleration, extended to an equality of rights and privileges.

When the hon. baronet spoke of France, he spoke in general terms only; had he descended to particular inferences, as grounded on particular facts, I would from the hon. baronet's lips have received such facts as unquestioned truths, and should have listened with every becoming respect to the deductions of a mind so able, inquisitive, and enlightened. But, Sir, it is not from every quarter that I am disposed (with reference to this subject) to receive assertions for truths. there is a degree of warmth, zeal, and enthusiasm attending the discussion of this particular question, which has led many to the use of bold and convenient arguments, without waiting to examine very scrupulously the foundations on which they rest; nor has this happened in late years only; during every period of the agitation of these discussions, we find the same pro-

pensity, of which history hands down to us a remarkable instance; in the reign of James 2nd, a correspondence was carried on by a private secretary of that king, with the grand pensioner of Holland, for the purpose of ascertaining the opinion of king William, then prince of Orange, relative to a proposed repeal of the Test Act. The secretary of king James boldly assumed, that the laws of Holland admitted of an unqualified toleration, and addressed arguments to the minister of that country, which were mainly founded on that assumption. The reply of the pensioner Fagel is extant, and in these terms:—"You write," he says, "that the Roman Catholics within these provinces are not shut out from employments and places of trust, but in this you are much mistaken, for our laws are express, excluding them by name from all share in the government, and from all employments, either of the policy or justice of the country." There is in this letter another passage which I will not deny myself the satisfaction of adverting to, as being no less applicable to the present time than to that in which it was written. "I would gladly see one single good reason to move a Protestant that is concerned for his religion, to consent to the repealing of those laws that have been enacted by the authority of king and parliament, which have no other tendency but the security of the reformed religion, and to the restraining of the Roman Catholic from a capacity of overturning it: these laws inflict neither fine nor punishment, and do only exclude the Roman Catholic from a share in the government, who, by being in employment, must needs study to increase their party, and to gain for it more credit and power."

Sir, I find in those few sentences so much plain and convincing reason, that, until I hear it impugned by arguments more sound in principle, and more capable of bearing the test of scrutiny than any which I am yet acquainted with, I am content here to conclude the observations which I offer on this subject, and to meet the particular attention which has been shown to me on this occasion, by a due consideration for the wishes of others, who must be anxious to express their sentiments.

If by the opinions which I have expressed, or if by the vote which I shall give, I acquire the name of an enemy to my Roman Catholic fellow-subjects, deeply as I may regret the imputation, I shall rest justified in the consciousness that it is one which I do not deserve. I have formed, it is true, a strong opinion upon this subject, but not until after a frequent, and, as I think, a candid consideration of it; the vote which I give, therefore, is the result of a conscientious feeling, and of a mind impressed with a sincere and unqualified conviction [cheers].

Mr. *Brownlow* said, he felt that it was perfectly idle, on his part, to attempt to add any thing to the unanswerable arguments that had been adduced by the hon. baronet, the member for Westminster, in support of the claims of the Catholics. But he could not avoid joining his prayers and entreaties to those of the hon. baronet, for the success of this great question. The hon. gentleman who had preceded him, had travelled over every land on the face of the globe, in search of materials for his speech. There was no country, he believed, the hon. gentleman had not mentioned, except unfortunate Ireland, which was the subject of the present discussion. This was a case of such absorbing interest and all-engrossing importance, that he hoped hon. members had come in a serious mood, with a patient temper, and with minds stripped of preconceived opinions, prepared to listen attentively to the evidence given by the Irish members, and finally, go to the division with all that awful sense of responsibility which it became men to feel, who were about to bring in a verdict which would be to Ireland that of national life or death. He had heard that unseemly language had been used on this subject out of doors. He would not say that it had found its way into their debates. But he had heard, that some of the opponents of the Catholic question had declared their determination "to die in the last ditch, to show a good fight in defence of their cause, and if necessary, to nail the colours to the mast, and go down with the ship." Now, he asked, had any man of common sense on the other side of the question, who was disposed to speak the truth, whether, if they succeeded by a few miserable majorities, in defeating the Catholics, they could believe the system they were upholding would be safe or permanent? Any man who would answer that question in the affirmative, must be very little versed in the history

of the state of Ireland. Dean Swift, in writing to a friend on the subject of the sacramental test, observed, that the Catholics at that time were without talent, without leaders, without organization, and entirely without power. But that objection could not hold now; for the Catholics were united by hopes and feelings that bound together every man of them in Ireland. In 1790, the greatest difficulty in the way of the Roman Catholic petition, arose from the indifference of the Catholics themselves. What a striking contrast did the present state of Catholic feeling on the subject present to their supineness in the year 1790? Then there was no organization amongst them: the gentry had separated themselves from the people, and amongst the people there was no principle of union, and no source of moral power. Let the House contrast this state of things with the description which applied to modern Catholics. When he had first stated the opinions which he had been led to embrace on this subject, he had declared it to be his conviction, that regard being had to the testimony of all those who were experienced in the state of Ireland, the condition of that country was such as to call for an immediate settlement of this question, and, in fact, as to admit of no postponement of that settlement. He had said then, and he repeated it now, that the state of Ireland was like that of a man on the edge of a hill, where he could not stand, but must move either backward or forward. What, then, was to be done? Was parliament to go back and re-enact the penal code? If that was the meaning of the hon. member for Derry, he wished that hon. gentleman had said so openly. Certainly, he did understand that hon. gentleman to mean, by "firmness and decision," that he was disposed to have recourse to force and violence against the Catholics of Ireland. But the hon. gentleman, however strongly disposed he might be, would not avow that such was his intention. Indeed, the project of re-enacting the penal code was altogether impossible. No man in Ireland would hear of it for a moment. Since, then, the question could not continue as it was, nor be carried back—for nobody had ventured to make any such proposition, though the hon. member for Derry had darkly and mysteriously hinted at it—what other course remained but that of carrying it forward? Justice, better late than never, would enforce a total repeal of that penal code which was partially relaxed in 1793. The hon. baronet had stated this part of his case with admirable truth and decision. Nothing could be more ridiculous and untenable than the present state of the law in Ireland. When it was proposed to extend the elective franchise to the Catholics, the Irish parliament was asked whether it would bring ignorance, bigotry, and numbers within the pale of the constitution. But did that objection exist now? Were not the Catholics now possessed of wealth, of consideration, of rank, and of influence? What was to be done, then, under such circumstances? He agreed with the hon. baronet, that it would be wise to try Catholic emancipation as a cure for the evils of the country. The hon. member for Derry objected, that the priests had interfered with the elections. He (Mr. Brownlow) had seen a good deal of this kind of support; and he had felt the full efficacy of it himself. Nor was their right to take part in such matters forbidden, or even discouraged by the spirit of the constitution. But it was not true that their influence was all-powerful. He had seen them succeed, but he had seen them also, in as many instances, fail. But whether succeed or fail, he could say this, that he had witnessed more examples of the sacred ties of landlord and tenant being broken through between Protestant and Protestant, than he had done of the abuse of the influence of a priest over his flock. But the part which the priests had acted in the elections had been much exaggerated. The priest said this to the freeholders—"here is one," pointing to a candidate, "who thinks that your religion makes you a traitor and a perjurer; and here is another candidate who says that religion is an affair that belongs to the cognizance of God alone, who thinks, of course, that his own religion is best, but that he is a fallible creature, that it is possible he may be wrong; and, at all events, he considers it a question which concerns only yourself. He therefore is willing to extend to you the same political rights as he enjoys himself. That man, I think, ought to have your votes." This was the language uniformly held by the priest.—He would beseech the House to take into its most serious consideration the present state of Ireland. There was no law—no subordination, in that country,

The constitution was tumbling to pieces; society was in a state of dissolution, and all the moral relations between man and man threatened with extinction. Such was the true picture of the present state of Ireland. He would put it to the House, then, what were the inducements for them to remain where they were as to this question? It was said, that the Catholics, to a man, were discontented. Yes! nothing was more true than such a statement. The Catholics were, one and all, deeply discontented. The spirit of liberty, like an electric flame, ran through every link, from the highest to the meanest of the social chain. The Catholics were determined to be emancipated, or never to cease urging and agitating their claims. This was the fearful state of things which the legislature had now to contemplate, and which they were called on to redress. With respect to the Catholic Association, let them be called agitators, or what they would, still it could not be denied, that they had the heart and affections of the Catholics of Ireland. The people were alienated from the government, and the Catholic Association possessed the confidence, and wielded the opinions, and the moral and physical force of the country. If he had any share of the responsibility attached to the government of Ireland, he would not deem it safe to slumber until he had thrown the shield of justice over the people of Ireland, and by removing all disabilities, had combined all classes in one harmonious feeling of reverence and affection for the laws and government of their country. What would they propose to do with a people so circumstanced as the Catholics of Ireland? What was the condition of the Protestants under the present system? The hon. member for Derry had described them as, of all men, the most forlorn and oppressed; and as being held up to hatred from the pulpits of the Catholics, as a band of persecutors. He greatly regretted it, but so it was that the titles of Protestant and persecutor were in Ireland identical. The hon. member for Derry had represented that those who remained there would be murdered, such was the exasperation of the Catholics against them; and that even now systematized attempts were making to rob them of their estates. This statement might be somewhat exaggerated; but he believed it to be true in effect. Indeed, how could it be expected, that one million of persons could depress and exclude from power six millions of their fellow-subjects on their own native soil, and yet remain themselves in a situation of comfort and happiness? For the sake, therefore, of free and liberal Protestantism, and for the sake of all those Protestants who professed an attachment to liberal and enlightened principles, he implored the House to repeal these laws, and leave both Catholics and Protestants to exert their energies for the protection of common rights and common privileges. Let them give up their time and energies for the improvement of their own interests, and the interests of the country at large. The distinction which now existed between the Protestant and the Catholic was an odious, an unjust, an impolitic distinction: it was a distinction which exposed us to much envy, hatred, and danger: it was a distinction which was calculated to throw us down from that high station which we occupied among the nations of the world. He implored the House, therefore, to adopt a measure which would conciliate Ireland, and place the empire in a state of security.

Mr. *Cust* said, that the present was the seventh or eighth session in which he had given his opinion on this important subject, and that opinion, he must say, remained unaltered by any thing which he had seen or heard since he voted on its first discussion. One of the great grounds on which the question had been brought forward was, that it would bring about a change for the better in the condition of Ireland. No man was more anxious for such a change than he was. A change was necessary; for in fact it was almost impossible that Ireland could remain as she was; but then emancipation was not the means by which so desirable a change could be effected. The only hope for Ireland was the success of the reformation in that country. It was asked, could they control six millions of people? He did not mean to say that they could; but he thought the argument founded on numbers was not conclusive. Those who rested the expediency of conceding emancipation on numbers, reminded him of the general who, being surrounded by enemies, collected round him a quantity of combustible materials, and threatened that, if hard pressed, he would set fire to the train, and he and his opponents should all go to the devil together. He was of

opinion, that the constitution was involved in this question; and in that view he would persevere in refusing concession at the risk of the separation of the two countries. He would admit that the union of Ireland with England was a necessary measure. He would not then go into its merits; but he would prefer the separation of Ireland to that state of things which he believed would result from the concession of emancipation. It had been asked, could that system be justified by which the duke of Norfolk was excluded from a seat in the House of Peers, to which he had a claim by birth? He admitted that this was exclusion; but then it was not more severe in his case, than the principle of exclusion was in that of many Protestants. The whole system of qualification was a system of exclusion. What was the duke of Norfolk more than the more humble man who might wish to represent his native town; but who was excluded, because he did not possess 300*l*. a-year in landed property? But there were other principles recognized by, and making part of, our laws and customs, which were, virtually, principles of exclusion. Let the House look at the younger brothers of the nobility. They were of the same blood, nursed in the same luxuries, educated at the same schools, trained up in nearly the same habits, as the elder brothers; but, thus equal in all other respects, in came the law of primogeniture, and prevented their inheritance of the title and estate, and they had to make their fortunes as they could. Was not this a principle of exclusion? There was, besides, the whole body of the clergy. They were excluded from a seat in that House, or from having any share in levying the taxes which they were called upon to pay. This principle was in its origin, he would admit, founded in good sense; but then at the present moment the exclusion was a hardship, as it was now founded on a gross fallacy; namely, that they had a seat in the Convocation, an assembly which practically did not exist. It was said, that this measure would pacify Ireland. He did not believe it would have any such effect. Even if it were carried, it was impossible to suppose that the Catholics would be satisfied, unless it were followed up by other measures; and certain parties in that country were at no pains to conceal that the Protestant church establishment of Ireland was the object aimed at. Would the House consent to lend its aid to such a design? If this measure did not pacify Ireland, which he was sure it would not, on what other ground was it that they were called on to make so violent an inroad on the constitution? He begged of hon. members to bring to their recollection the dangers from which the country had heretofore escaped from the practices of that sect, and to act upon the homely proverb, that "a burnt child dreads the fire."

Mr. *George Moore*, member for Dublin, said, it was impossible that a new member of that House should not feel great difficulty in rising to oppose claims, which had been advanced and supported with so much ability and eloquence. It was impossible that such a member, when he was called upon to redress a nation's wrongs, to vindicate a nation's honour, and restore a nation's rights, should not have great difficulty to encounter in opposing such an appeal, from the enthusiasm which such topics were naturally calculated to excite. He was satisfied, however, that the view which he took of this question, and which those who concurred with him in opinion took of it, was not only consistent with civil and religious liberty, but indispensably necessary, with a view to the integrity and stability of the constitution. This was not a question of national injury or oppression, but a question of relative constitutional rights. It was a question to be considered not with reference to the feelings of any particular class of his majesty's subjects, but with reference to the security of the whole kingdom. The question was now brought forward under circumstances materially different from those under which it had been submitted to the House on all former occasions. In all former discussions, the most moderate and the most zealous advocates of the claims of the Catholics had concurred in accompanying their propositions with some security or other, which they deemed sufficient to guard the Protestant church and the Protestant establishments. From the total silence of the hon. baronet, and of the noble lord who seconded the motion, he was induced to think that the idea of security was altogether abandoned; and he was confirmed in that opinion, when he referred to the language of the petition which the hon. baronet had himself introduced to the House. In that petition, the Roman Catholic petitioners emphati-

cally claimed admission to political power—admission unqualified, unconditional, and unrestrained. He would ask the House whether they were prepared thus precipitately to throw away those safeguards which the wisdom and firmness of their ancestors had raised for the protection of the Protestant establishment? He did not blame the petitioners for taking no notice of any scheme of security; for he declared that he had never seen, heard of, or read of, any thing which, in his mind, amounted to a rational or effectual scheme of security. It was objected, to those who opposed this measure, that they opposed the rights of the people; but there was no foundation for this objection. He, for one, did not resist the concession of political power to the Roman Catholics on account of their faith alone, or on account of their adherence to that faith, with reference merely to religious considerations, but because they held tenets which went to the recognition of a system of ecclesiastical domination—which went to the recognition of the supremacy of a foreign power, exercising a jurisdiction theoretically ecclesiastical, but directed practically to political objects, and too often executed by political means. This was the reason why Roman Catholics were excluded from political power; and, unless they disengaged themselves from that thraldom, they could never be safely admitted to a participation in it. It had also been objected to those who opposed concession, that they opposed natural and indefeasible rights; but, as this argument had not been insisted on that night, it was not his intention to dwell upon it. The notion of abstract right had been abandoned in argument, both by Mr. O'Connell and Dr. Doyle. Dr. Doyle had admitted, that restrictions upon British Catholics during the time of the Pretender were not only justifiable, but necessary. After the admissions which had been made by both these authorities, the arguments derived from abstract right, independent of political expediency, might be considered as abandoned. By the way, these admissions were an answer to the arguments founded on the treaty of Limerick; for if parliament were at liberty to enact penal statutes against the Roman Catholics, what became of that treaty of which so much was said?—Let the question, then, be considered on the ground of expediency. The advocates of it, on that ground, did not, in his opinion, fairly state the question. They were not then called upon to discuss the elements of a new constitution, to state what share the Roman Catholics should take in it. They were not called upon to model a new one, but to change that which, in part, had been established for three centuries, and which had existed, in its present state, for nearly a century and a half. But he would not confine himself to three centuries, he would go to Cressy and Agincourt; he would go to Runnymede, and beyond that to the Norman conquest, and would contend, that the principle of our government was a principle of independence of foreign power. He maintained, that, before and up to the time of the Norman conquest, independence of the See of Rome was a governing principle in the constitution of this country. The guards which had been established by our ancestors for the safety of the Protestant establishment had been wisely, deliberately, and cautiously, adopted; they had been adopted by men who had experience of the fatal effects resulting from Papal domination. Such were the men by whom the constitution was settled. And by whom was concession sought to be obtained? It was sought to be obtained by those who had no experience of the evils against which our ancestors erected these constitutional safeguards, and who had every experience of the blessings which had resulted from these salutary restrictions. It was the constitution which had secured the Protestant religion—a religion which was the source of that independence of character, that spirit of enterprise, that moral force, which had raised the British empire to the height of prosperity, and carried British resources into every quarter of the globe. This was the constitution which they were called upon to change; this was the constitution upon which they were called upon to achieve an experiment which, if once made, could never be recalled. Some advocates of this measure were disposed to rest its expediency on what they termed the present unhappy state of Ireland; and they argued as if this were the only measure by which Ireland could be relieved. He took a very different view of the state of Ireland from that which seemed to impress hon. members opposite. For his part, he did not consider the present state of Ireland as melancholy or desponding. He saw, it was true, the surface of society in that country a good deal agitated; but he thought that

it might be calmed by prudent and temperate means, wholly distinct from emancipation. In his opinion, the agitation was exaggerated and misrepresented, by those who had raised it for their own purposes [hear]. He did not mean to impute any blame to hon. members opposite for the view which they took of it; but, in giving his own view, he wished to correct what seemed to him to be an error on their side, and to remove the impression which was sought to be made on the public mind in this country, that the state of Ireland was one bordering on despair. He could not desire better testimony in support of the view which he took of this part of the question, than that of some of the leaders of the Catholics, who endeavoured to justify the use of seditious language, because, as they alleged, it was necessary to scatter fire-brands, not for the purpose of exciting the peasantry to sedition, but to rouse them from that torpid indifference in which they existed, with respect to the constitutional exercise of their rights. In this attempt they were no doubt successful; but, though they did produce that state of society in which no man felt comfortable, it was by no means that state in which no man felt safe. He could refer to numerous other pieces of evidence, on the table of the House, to show that Ireland was not in the state in which she was described, and to prove that, whatever her state might be, the measure now proposed was the last which could tend to her pacification. He alluded particularly to the petitions from all parts and from all classes in Ireland; from peers, wealthy landed proprietors, clergy, merchants, yeoman, and mechanics, men who were interested, to a large extent, in the pacification and prosperity of Ireland, and who must be presumed to understand what would have that tendency. They were all deeply interested to the extent of their whole properties in any measure which could tend to benefit Ireland; and yet to a man, they all concurred in the inexpediency of any further concession to the Roman Catholics, and of course, in thinking that such concession would not have the effect of restoring tranquillity to that country.—The hon. member, after some other remarks, proceeded to advert to the state of the Catholic church in Ireland. The Catholic church in Ireland, it was well known, assumed a power and pre-eminence equal if not superior to the established religion. The members of that church boasted of their unbroken succession. The hold which they had on the minds of the people of that country was as extensive in its sway, as it was dangerous in its consequences. Would there be no danger, then, in admitting into that House, men who would be influenced by the control of such a body? The friends of emancipation answered this objection by saying, that Catholic members of parliament would be bound by an oath to uphold the constitution in church and state; but he denied that such a pledge would be a sufficient security against the machinations and intrigues of designing men. He would not, at that late hour, enter more fully into the details which the question of Catholic emancipation presented, for he knew that there were many gentlemen who wished for an opportunity of entering their protest against the measure, and who were much more capable than he was of urging their objections. He implored the House, however, before they adopted any measures favourable to the important question which was now before them, to pause and weigh well the consequences which their decision might involve. In what a situation, he would ask, would an illustrious character be placed, if called upon to violate his coronation oath—an oath, the spirit and terms of which went directly to the maintenance of Protestant ascendancy?

Mr. *R. Martin* rose amidst loud and repeated cries to adjourn. He denied that the Catholic priesthood had exerted their influence improperly in the late elections in Ireland. It was true that the Catholic clergy and the Catholic leaders used their influence to secure the return of those who were friendly to their cause; but such influence, he contended, was perfectly natural. He confessed, for his own part, that he was indebted for his return to the influence of the Catholic clergy, and to Mr. O'Connell's assistance he was also deeply indebted [a laugh.] He would repeat that he was proud of such aid, and to his dying day he should raise his grateful voice in defence of that gentleman and the Catholic clergy; for it was to them he was indebted for the privilege which he now enjoyed, of raising his voice in their behalf. Aye, the Catholic interest sent him to parliament in opposition to the influence of that government in whose service he had grown grey, and to whom he had given his vote for forty years,

The hon. member then proceeded to describe the circumstances connected with his own election, and in the course of his observations he accused his late opponent, of compromising the Catholic interest, for the purpose of securing his return in opposition to him. He recommended to the consideration of the House a bill which he introduced into parliament at the close of the last session, to make every voter at Irish elections produce a certificate that he paid his rent, before his vote should be registered. If this plan were pursued, he was of opinion, that the great measure of Catholic emancipation would be fully answered, and that the cause of excitation and alarm in Ireland would be thereby allayed. He contended that Catholic emancipation was a debt due from the government to the people of Ireland. Lord Cornwallis, when lord lieutenant of Ireland, had assured him, that emancipation should immediately follow the union of the two countries. Without that assurance to the Catholics, they would not have supported government in the passing of that measure.

Sir *J. Newport* moved the adjournment of the debate owing to the lateness of the hour, and the improbability of the question being decided without, at least, another night's discussion.

The debate was thereupon adjourned till to morrow.

HOUSE OF COMMONS.

Tuesday, March 6.

ROMAN CATHOLIC CLAIMS — ADJOURNED DEBATE.] On the order of the day being read for resuming the Adjourned Debate on the motion made yesterday, by Sir Francis Burdett,

"That this House is deeply impressed with the necessity of taking into immediate consideration the Laws imposing Civil Disabilities on His Majesty's Roman Catholic Subjects, with a view to their relief,"

Sir *John Newport* said, that after he had so frequently received that indulgence of the House which was now extended to him, he was quite sensible that he should not be justified in abusing that indulgence, for too long a period. He now rose for the purpose of expressing those opinions which he had entertained for years before he had entered parliament, and during the whole time that he had been a member of that House, now nearly half a century. Those opinions, far from being shaken, had been strengthened and confirmed by daily experience; and he was at that moment more than ever convinced, that no measure could restore peace and tranquillity to Ireland, or provide for the security of the country, which was founded upon any other basis than Catholic emancipation. He certainly was not prepared to admit the justice of the remark of the hon. member for Clitheroe (Mr. P. Cust), who appeared to think the union of the two countries nothing, if it was only to be preserved by granting Catholic emancipation; nor was he prepared to plunge into the other extreme, and insist upon the converse of that proposition; but he was perfectly convinced, that that union would be more firmly cemented, and the benefits resulting from it rendered doubly valuable to both countries, by emancipating the Catholics. Another hon. member, the member for Dublin (Mr. G. Moore), had endeavoured to convince the House, that Ireland was not in that deplorable state in which it was represented to be by gentlemen on his side of the House; but, if hon. members who had not an opportunity of judging for themselves on this matter, entertained any doubt upon the subject, he would refer them to the speech of the hon. member for the county of Derry (Mr. G. Dawson), and beg them to recollect the view which he had taken of the state of Ireland. That hon. member, admitting that the present state of things in Ireland could not and ought not to remain, had proposed no remedy for the evil, unless, indeed, his proposition of having recourse to "force and violence" could be viewed as one. For his own part, he was quite sure, that a recurrence to that system, which had reflected so much disgrace on England, and which had entailed so much misery on Ireland—to a system, the effect of which was the setting up one faction to fight with another—which was, in point of fact, nothing more nor less than putting a garrison into a conquered country, would be found to be any thing but a remedy for the distresses of Ireland; and he would ask, if there was any impartial man in that House, who, knowing what the consequences of that system had been, could lay his hand upon his breast and say, that he thought the recurrence to such a system would be either wise in the one party, or salutary to the other? He would con-

tend, that the gentlemen who were opposed to him on this question, came forward with no scheme of government at all—not to say with no scheme of government which would relieve Ireland from the evils under which she now laboured. The scheme which had been proposed from his side of the House was peace and conciliation; by which England would be relieved from considerable and unnecessary expense, while the condition of Ireland would be, at the same time, materially bettered; and he did conceive, that all those who had the welfare of either or of both countries at heart, had a right to ask gentlemen who repudiated this system, what system they had to put in competition with it? The hon. member for Clitheroe had said, that those who rested the expediency of conceding emancipation on the numbers who claimed it, reminded him of the man who collected a quantity of combustibles around him, and threatened, if hard pressed, to fire the train, and "blow himself and his opponents to the devil together." He was at a loss to understand the application of this, or what the hon. member intended by the expression; but he would remind the House of what lord Bacon had long since said, with that judgment and accuracy of discernment, which always characterized him. In one of his works he spoke thus:—"Concerning the materials of seditions, it is a thing well to be considered: for the surest way to prevent seditions (if the times do bear it), is to take away the matter of them: for, if there be fuel prepared, it is hard to tell whence the spark shall come that shall set it on fire." The manner in which the hostile feelings of the people of Ireland on this question had been prolonged and inflamed, were the materials of seditions. It would be well to consider them. They were the fuel which had been prepared, and the wisest and the surest way to prevent the fatal consequences which might result was, to remove the cause. As things now were, it was wholly impossible that they should remain. Let not gentlemen lay the flattering unction to their souls, that in another year they might consider the question as well as they could now. Every successive year augmented the evil, and the task that remained for the House to perform, grew in proportion to the growth of that evil. He had heard numerous complaints of the proceedings of the Catholic Association; of the violence of its leaders, and of the agitation which was produced throughout the country, in consequence of its existence. Did the House remember the assurances that were made, when they were asked to pass the bill for putting down that Association? They were then told, that once abolished, all associations would be at an end with it. How did the fact agree with this statement? The full powers which had been asked for were granted; and, was the Catholic Association extinct? was it not in as full vigour as ever? and were not its proceedings even carried on with greater rancour than ever? It could not be doubted that the legislature possessed power sufficient to put it down; but if it remained much longer, with the causes of excitement which now operated upon it, the strong man, when he should be put down, would pull down with him the pillars of the House, and bury himself in the ruins he had made. He asked pardon of the House for having occupied so much of its time. At his time of life he could have no personal object to gratify in carrying this measure. He was of an age when repose was more to be sought for, than any thing else. It was his anxiety to obtain that repose, to see established the security of the empire, and the peace of its inhabitants, that he stated to the House this his solemn and earnest conviction. Whether they adopted the proposition which had been made to them or not, rested with themselves; he had done his duty, and he hoped they would do theirs.

Mr. *Hart Davis* said, he thought that the Roman Catholics of Great Britain enjoyed at that moment as much toleration as was consistent with the civil liberties of the country. He felt that, representing a large population, he should not do his duty to his constituents, if he did not express his own opinion and theirs on this important subject. It appeared that the House had now been for more than twenty years discussing, in various shapes, the proposition before them. It had formerly been introduced as a bill; and now it was placed in the form of a proposition, that the House should go into a committee, or something like a committee, for the purpose of inquiring what could be done for the Roman Catholics. This might be a mode well enough calculated to catch a stray vote, but he thought it was not the proper one in which to discuss this ques-

tion. He felt it was arguing in the dark, when they were told that they must grant the Catholic claims, but it was not distinctly explained what those claims were. He apprehended it would not be denied that the king of this country ought always to be a Protestant; that the ministers should be Protestants; that the commander-in-chief should be Protestant; and that the Judges of the land should be Protestants. He believed that, so far from any concessions having the effect of restoring peace to Ireland, they would be, as they had hitherto been, only the cause of producing new claims. If that which was now asked for should be granted, the next thing they would want would be equality of power. And, if they obtained that, they would next ask for an equal share in the temporalities of the church. Of this he had no doubt; for the experience of the past convinced him, that this had been the certain consequence of all concessions to the Catholics. He recollected it had in that House formerly been said, "Grant them the army and navy, which are points that touch their feelings, and you will hear nothing of them hereafter." So far, however, was this from being the case, that their claims seemed, in consequence, to have become stronger than they were before. There were boundaries which, with a proper regard to the preservation of the constitution, the House could not transgress. If it should be stated distinctly what it was the Catholics wanted, the proposition might, perhaps, be acceded to; but he would never agree to a motion like that before the House, which pledged them to inquire and find out what it was the Catholics wanted. He had read lately a production of one of the titular bishops of the Catholic Church (Dr. Doyle), in which he told the people, that if the Catholic claims should be granted, that would hasten the downfall of the English hierarchy; and, in the same letter, this right rev. prelate had the audacity and folly to compare the Protestant religion to the idolatrous worship of Juggernaut. He would not at that moment go at any length into the details of the subject, but should content himself with giving a decided negative to the proposition.

Lord *Eliot* said, that when this question had been last before the House, his opinion had been, that to make any further concessions to the Roman Catholics would be incompatible with the law as it now stood, and opposed to the principles of the constitution. Since that period, he had given the subject the fullest consideration he was capable of bestowing, and the result of that consideration was, that he had changed the opinion he formerly held [cheers]. In the course of the mature deliberation which he had given to the question, he had found it necessary to combat his own pre-conceived notions; and he now felt convinced, that the tranquillity of Ireland depended on the passing the measure submitted to the House, and that the sooner it was done the more beneficial would its results prove. Whatever the danger might be—if danger there was—in granting the concessions claimed by the Catholics, he was satisfied that a much greater and more momentous danger would result from their being withheld. He was not sanguine enough to imagine that granting those concessions would restore immediate tranquillity. There were other causes which had grown out of the state of this subject; and time would be required before those causes could be altogether extinguished; but he was satisfied, that, when that which the great mass of the people of Ireland considered the most oppressive grievance with which they were burthened, should be removed, the House would have gone a great way in appeasing the animosity and rancour which almost desolated the country, and would have obtained an infallible test for distinguishing the factious demagogue from the man who sincerely and earnestly sought for that ease to his conscience, and that civil freedom, which was the birthright of every man in a free country. Great stress had been laid upon the conduct of the Roman Catholics at some recent elections in Ireland. That they had exercised an undue influence over the minds of the people, and manifested an open hostility to the government, he was disposed to believe; but he doubted much whether that hostility could be disarmed, or that influence diminished, by continuing the present restrictions upon the liberty of the people. It was by removing the cause of that excitement which broke out in a form so fatal to the peace and welfare of the country, that these disorders could alone be extinguished. It had been said, that projects of spoliation were meditated by the Catholic priesthood. If that accusation were founded in

truth, and if the day should ever come in which we should have that battle to fight, it was by passing the present measure now that we should be able, in time of need, to fight it upon good grounds, and for the protection of just and lawful rights, without the imputation of having oppressed and tyrannized over the people against whom we should be opposed. He ought to apologize to the House for having trespassed so long upon their attention; but, as he had felt great difficulty on the former debate in this House on the exclusion of Catholic peers from a seat in the other House of parliament, he was glad to have an opportunity of stating his intention to vote, whenever an opportunity should offer, for the restoration of that respectable body to those places which their rank and station, not less than their ancient honour, and their acknowledged merit, entitled them. He was sensible that the change which he now avowed might, if it remained unexplained, have exposed him to the imputation of fickleness of mind. He had, therefore, thought it more manly to state it thus openly, than either to incur that imputation, or to adopt the only alternative which would have been left to him, of persevering in a course which his judgment condemned.

The *Master of the Rolls* then rose. He said, that he gave the noble lord, who had just sat down, the fullest credit for the manliness of conduct which he had displayed on this occasion. Connected as this question was with the vital interests of the empire, it was worthy of the most serious and mature consideration. If, after having given it that consideration, any gentleman felt that he ought to change the opinions he had previously held, nothing could be more manly or more honourable, than to make an avowal of that change fairly and openly in the face of the country. In the present instance, he thought the manner in which it had been made was as creditable to the noble lord, as the avowal itself. For himself, as the representative of a highly distinguished and numerous body of constituents, who had considered maturely and felt deeply, even intensely, on this subject, he trusted that he might be permitted to state to the House his opinions respecting the proposition now before it.

The question of Catholic emancipation had been so often and so eloquently canvassed and discussed, that he could not hope to add much that was new on the present occasion; but he felt that he should be considered as shrinking from his duty, and as deserting the post in which his constituents had done him the honour to place him, if he did not state the grounds on which he felt compelled to oppose the present motion. He congratulated the House most sincerely on the tone of moderation in which the discussion on this subject had been hitherto carried on. He referred this, in a great measure, to the admirable example which had been set by the hon. baronet who opened the debate. Nothing could be more proper, nothing could be more judicious, than the temper and tone in which the hon. baronet introduced the question to the House; and he looked upon it as the strongest evidence possible of the honest conviction in the mind of the hon. baronet, that the subject was one of deep importance to the tranquillity of the state, however he was compelled to differ from the hon. baronet in the views which he had taken, and the opinions he had expressed. He trusted that, in every stage of the discussion, from the present time to its termination, the same temper would prevail. We were standing in a great crisis. The eyes of the country were fixed upon the present deliberations. The great mass of the Protestant population of the empire were looking with deep anxiety to the result of those deliberations. The great mass of the Catholic population of Ireland was looking with a still more intense feeling of anxiety to the result of those deliberations. Whatever that result might be—whether for good or for evil—if it was arrived at by means of calm consideration and candid debate—if by means of fair statement and cool examination—it would be entitled to the acquiescence of the country, and he trusted it would receive that acquiescence.

With respect to the shape in which the hon. baronet had brought forward his proposition, he would not trouble the House with any observations. It was unquestionably his intention that the whole of the subject should be fully discussed, and that the question which agitated the empire should be regarded in all its bearings. The House knew well what it was that the Roman Catholics demanded on the one side, and what they proposed to concede on the other. They asked to participate in the legislature of the nation, and to be admissible to all the offices of the state, with a

very few exceptions. That was the basis on which the whole matter rested: that was the question, the propriety of which they were now assembled to discuss. In one respect, our position was a little extraordinary. It was one more evidence, that not on this debate alone the House was to limit its view of the matter. The Protestants of England were, in fact, put upon their defence. They were the parties accused. They were charged with intolerance, with religious bigotry, with oppression; and those charges were preferred by the Roman Catholic portion of the community, and by those who advocated their cause. When their accusers told of laws passed to oppress, as they said, the persons professing the Roman Catholic religion; and while they inveighed against the severity of those laws, they carefully kept out of sight the causes by which they had been produced; or if any of their opponents, touched upon those points, they touched upon them lightly. The advocates of the Catholics talked of deceptions which had been practised on their forefathers, of mistakes which had been made, and supposed that those laws which had for many ages formed the bulwark of the liberties of the country, were passed without any adequate cause, and upon mistakes and misconceptions. Until within the last twenty years, the men by whom those laws had been passed, had been considered as the enlightened and sincere defenders of their country, and as zealous advocates for freedom; now, they were talked of as persecutors, and intolerant and bigotted oppressors. Let the House consider, when those laws were adverted to—and he suggested this without wishing to excite any bad or angry feelings on the subject—what were the circumstances of the country under which they were enacted? They commenced with the reign of Elizabeth. Was it upon mere speculation—upon conjectural fears—or upon remote apprehensions of danger, that the laws of that day for keeping in subjection the Roman Catholics were enacted? The men by whom they were proposed and passed, had been observers of all that had taken place in the short but eventful reign of Mary, which had just preceded. Most of them had been actors, and some of them sufferers, under the persecutions of those times; and it was to guard against the greatest evils by which society could be afflicted, that those laws had been enacted. They were spectators, too, of what was then passing in France—of the sanguinary persecutions in the Netherlands—and they felt that the Roman Catholics of that period—and he meant by this to cast no reflection on the Catholics of the present day—were endeavouring, day by day, to undermine and overturn the constitution of the country and, in concert with the most bigotted and tyrannical government that ever existed—he meant that of Spain—to introduce again a system which, happily for the liberties of this country, our ancestors had been able to resist and to overthrow.

He passed from that period to the reign of James, in which other laws of a similar tendency had passed, and among them that of the oath of allegiance. That oath was imposed, not from a wish to insult the Catholics, but in consequence of an attempt, which it was not necessary for him to describe, but which was in its character so atrocious, that but for the clear and distinct evidence of history, it would be altogether incredible. Again, when the Protestant legislators of former times were charged with bigotry and intolerance, he would pass to the reign of Charles 1st., and request any man who was conversant with the history of his country, to recollect the circumstances which occurred in Ireland, in 1641; when the country was plunged in bloodshed by that insurrection and massacre, which for savage cruelty remained without a parallel. Was it wonderful, then, he asked, that persons seeing these atrocities perpetrated before them—feeling a proper attachment to the laws and liberties of their country—and being imbued with the principles of statesmen—should feel themselves called upon to enact such laws as, in those times, and for ever after, should guard against a repetition of similar outrages?

He passed on now to the Revolution, when, in consequence of the intrigues which were begun in the latter part of the reign of Charles 2nd, for the purpose of introducing the Roman Catholic religion again into this country, and when the scheme had become more ripe in the reign of his successor, it was vigorously and successfully opposed, and the British constitution was established upon principles of liberty as large, as beneficial, and as noble, as ever characterized any human institution. Why had he adverted to these facts? God forbid that he should be sup-

posed to attribute to the Roman Catholics of the present day the same horrible spirit as that which had influenced the professors of the same religion at the periods to which he had adverted. From the reign of James down to the present period, the laws respecting Catholics, as far as they related to political power, with occasional exceptions and relaxations, had remained in force. The Catholics were for some time prohibited from the exercise of their religion, under severe penalties. Those laws had been abrogated—late, he admitted, but still they were now abrogated, and the only question that remained—which was one of pure policy or expediency—was, whether they should take that further step which the proposition of the hon. baronet called for, of admitting persons professing the Roman Catholic religion to the exercise of political power. Or if the hon. baronet should object to this mode of stating the question, and say that the Catholics were already in possession of political power, then that they should take a part in the legislature of the country, and be eligible to hold the great offices of the state.

This question, he repeated, was one entirely of expediency. If the concessions which were asked for could be granted with perfect security to the civil liberties and to the Protestant religion of the empire, then, he admitted, the Catholics were entitled to have them granted. He would discuss this question on no narrow grounds: he disclaimed all bigotted principles. Let him be satisfied that the concessions could be made safely, and no one would go greater lengths in obtaining them, than he who now felt it his duty to oppose them. The House was told plausibly enough, and with much seeming truth, that a constellation of genius, knowledge, and statesman-like ability, was opposed to that side of the question which he advocated. He confessed that this did appear at first sight to be so; but, when he considered the history of this opposition, it had by no means the effect of confounding him. He had satisfied himself, and he hoped he should satisfy the House, that the distinguished persons who had been alluded to, had ranged themselves on that side of the question which he had adopted, and that their view had been the same as that which he now took. The name of Mr. Pitt had been frequently introduced: and they were told that Mr. Pitt's opinion was decidedly adverse to that which he now expressed. He remembered perfectly well, that in Mr. Pitt's speech on the Union, which he had read many years ago, that statesman had said, that the great question of emancipation would be more easily carried, if the union should be effected; because the proportion of Catholics in the United British parliament must of necessity, be so much less than it would be in the parliament of Ireland. But Mr. Pitt stated also, in terms far too clear to be misunderstood, that he would consent to emancipation only on a firm conviction, that sufficient and adequate security should be given; and that upon no other terms he would concede to the wishes of the Catholics. That great statesman's opinion was confirmed by lord Grenville, who said that we must have security for the safety of the Protestant religion, and, owing to the peculiar tenets and the peculiar situation of the Roman Catholics, against any foreign influence. What, then, presented itself to the noble lord's mind in the shape of this security, and without which he thought it impossible to accede to the prayer of the Catholics' petition, was a *veto*, which should invest the Crown with a power of controlling the election of Roman Catholic bishops. He would not now give any opinion as to whether this would or would not be an adequate security; but when it was said, that the opinion of Mr. Pitt was an authority in favour of the claims of the Catholics, he begged to say, that it was no authority for the side by which it was urged; because that opinion was given upon the understanding that the principle of a sufficient security was to be admitted.

He would go a little further still, and show, that even the advocates of Catholic emancipation, those high and gifted individuals, who had identified themselves with the success of that measure, had been the foremost to require securities. He called the attention of the House to the words of a great and gifted individual, whose zeal in the cause which he espoused was a remarkable feature in his long political life, and who, to the last moment of his existence, cherished the same feeling, and discharged the same duties, with regard to this question that distinguished his earlier years. He alluded to Mr. Grattan. Did that distinguished man—that warm, enthusiastic advocate—ever profess to say that Catholic emancipation should be

granted without securities, without restrictions? No: the sentiments of Mr. Grattan on this identical point were on record, and would be found by a reference to the paper now before him. The words of Mr. Grattan were these. He said—"When the Catholics demand to be admitted to political power, the government of the country has a right to expect and to require securities, and, unless those securities were granted, they have no claim whatever to the boon which they demand." Those were the words of that distinguished man; and he could refer the House to other no less distinguished names who supported the same views, and advocated the cause. Reference might also be had to a noble lord, now no more, who was once a member of that House—he alluded to lord Londonderry—than whom there never was a man more warmly attached to the cause of Catholic emancipation; no one of the numerous advocates who supported that question felt a greater desire for its ultimate success. Yet, what was his opinion with regard to the securities which the Catholics ought to give, in return for the benefits they sought? "We must have securities," were the words of that lamented individual, "not securities merely in name, but strong, adequate, and substantial securities against foreign interference, and also as a guard against the peculiar tenets of the Roman Catholic religion."

Leaving, for a time, the opinions of those distinguished men who now lived only in the memory of their successors, he would revert to the present time, and refer to individuals now living, who were no less gifted than those whom he had named, and no less zealous in the cause of Catholic emancipation. He might refer to the opinion of his right hon. friend, the Secretary of State for Foreign Affairs, whom he was gratified to see in his place after his late indisposition. He had before him, if it were necessary to refer to them, the exact words of his right hon. friend on the subject of Catholic securities. In substance they were to this effect—that emancipation could not be granted, unless adequate securities were given against the danger of foreign interference. He had another right hon. gentleman in his eye, whose extraordinary powers were lately called forth on this peculiar subject, and the splendor of whose eloquence was never more powerfully displayed, than when this very question was the subject of debate. He alluded to his right hon. friend, the Attorney-general for Ireland, who held the very same language, and laid down the same principles, as those distinguished persons whom he had already named had used before.

Were these authorities of no weight? Had he quoted names of no importance, as connected with the question of Catholic emancipation? Had not all the distinguished individuals whom he had named, agreed to this point—that the Roman Catholics should give securities, and that, unless they did so, they were not entitled to emancipation? If he satisfied the House that those securities were necessary,—and he hoped to be able to do so before he sat down,—there was nothing more clear than that his right hon. friends, and those who agreed with them that securities were necessary if emancipation were granted, could not vote for the motion of the hon. baronet, without stipulating also for those pledges which were requisite for the security and welfare of the kingdom.

And now, with respect to securities. Were the Catholics of Ireland, he would ask, ready to meet the wishes of their best friends, and did they profess a disposition to give the required pledge? Let the House for a moment refer back to the history of the year 1808; and after a due consideration of the events of that year, let those who felt as he did lay their hands upon their hearts and say, "Are we who opposed the Catholics not justified in so doing, when we reflect on their own acts?" We all know, that in 1808, a proposition of security was offered to the government by the Roman Catholics; and this proposition laid the foundation for a bill, which was introduced to the House of Commons by Mr. Grattan. In moving for the introduction of the measure, Mr. Grattan took occasion to observe, that it was suggested by the heads of the Catholic religion, and that it was founded upon the principle of security. In a very short time, however, after its introduction, Mr. Grattan came down to the House, and stated, "that those with whom the measure had originated had withdrawn their pledge." Mr. Grattan observed, that "when last he had the honour of addressing the House on this subject, he stated, by the direction of the Catholics themselves, that they were willing to grant the veto and whatever security in reason the legislature might further demand. In consequence, how-

ever, of a communication from the Catholic bishops, he was under the necessity of withdrawing the bill; and he was sorry to be obliged to say, that he could not now offer, on behalf of the Catholics, those securities which were mentioned in the bill."

This was the first attempt to propose securities to the government to bind the fidelity of the Catholics; and thus was it defeated by the Catholics themselves, from whom the proposition came. The Catholic bishops wished afterwards to retrace their steps, and appeared to regret that they had retracted.—Accordingly, in the year 1813, Mr. Grattan in conjunction with his right hon. friend, the present Secretary of State for the Foreign Department, brought in another bill, which was also warmly approved of by the heads of the Catholic church, by which a control was given to the Crown for the appointment of Catholic bishops. Mr. Grattan again stated to the House, that he had the authority and concurrence of the Catholic bishops. He agreed in the security which they offered, and begged that the House would set the long-pending question at rest for ever by acceding to the proposed arrangement. The bill was accordingly introduced; but, before it had got through its different stages, the Catholic bishops had a meeting, at which they condemned, in no very measured terms, the proposed concessions; observing, that, if the bill were passed into a law, the Catholics would be in a worse condition than even if the penal laws were revived. In consequence of this declaration on the part of the Catholic bishops, the measure which was then proposed was obliged to be withdrawn, and the Roman Catholics of Ireland were left in the same situation as they stood in before it was introduced to parliament.

Having thus traced the history of Catholic security, he would now bring it down to the year 1825, for the purpose of showing that the Catholics of the present day were just as little disposed to give security for their allegiance to the state, as the Catholics of former years. Let it not, therefore, be said, that the Protestants were bigotted and intolerant. Let them not be accused any longer of withholding the just rights of their Catholic brethren; for the Protestants say they are willing to concede those rights, provided a sufficient security is offered in return: and all parties were agreed in the necessity of demanding that security. If, therefore, the House was satisfied as to the necessity of requiring some pledge from the Roman Catholics in return for the benefits they sought; and if the Roman Catholics themselves professed no inclination to give that pledge, what right, he would ask, had they to come forward, and claim to be relieved from the grievances under which they suffered? Had not the Catholics themselves been the means of retarding their own cause, of defeating their own projects; receding from their promises, and stepping out of pledges one after another, in order that they might possess that power which they sought by force or artifice, rather than by measures of a just and amicable nature? Every one knew the secrets of the bill of 1825—That bill, which was so fully arranged and discussed by the Catholics themselves. It was natural to suppose, therefore, that it was so shaped as to include every thing that the supporters of Catholic emancipation could desire. Without adverting, however, to other omissions, there was one not a little remarkable. It was the total omission in the oath proposed in 1793, of its most vital and essential part. By the oath of 1793, the Catholic binds himself to do nothing that shall alter or weaken the state of property in the country, and this very part of the oath was omitted. The oath contained also these remarkable words—"I do swear that I will maintain the church and state established in this kingdom according to law." Would not this House feel alarmed that, in the bill of 1825, the whole of that part of the oath was omitted? If that omission took place intentionally—if it was done through design—could any man say that there was any wish on the part of the Catholics to offer securities in return for those benefits which it was admitted on all hands they were entitled to receive, on certain conditions? In the bill of 1825, an attempt was made to quibble with the words of the oath of 1793, only a part of which was introduced into that bill. The word "weaken," for instance, was entirely omitted. When called upon to give securities, it was most remarkable that the framers of that bill should have left out of it a part so essential and important.

Having called the attention of the House to those omissions, he should pass over others less important, though not less remarkable, and proceed to show what

additional security was proposed by the Roman Catholic bishops. They proposed that before a person could be translated into a Roman Catholic See, a certificate of his loyalty should first be obtained. But, was there any thing in this provision to remove the danger arising from foreign interference? None whatever; for the Catholic bishops had still the nomination of those who were raised to that rank amongst them, and a certificate of loyalty was no security in the end. He did not make use of these observations with reference to that particular bill; but, when he looked upon that bill as the *ultimatum* of the Catholics, he felt that he was authorized in saying, that they were not disposed to give adequate securities. It would not be necessary, he thought, to enter into any laboured detail, for he thought he had proved enough to show this—that the Catholics were not disposed to accept of conditional emancipation, but that nothing short of an unqualified repeal of all the laws which affected them would suit their purpose. First they made offers, and then in the fulness of their strength they turned round to tell us that they were not satisfied. Did not this prove, he would ask, that the Irish Catholics were not in earnest when they spoke of securities? Did it not prove that they sought for unlimited, unconditional power, without any pledge whatever?

An hon. gentleman, the member for Dublin (Mr. G. Moore), who spoke for the first time, he believed, last night, so well and so much to the point, in alluding to the language of the general petition of the Roman Catholics, in which they demanded unqualified emancipation, remarked, that the petition had all the benefit of the host of talent that distinguished the Catholic Association. After all, however, that petition resolved itself into this—"We on our side demand full, free, and equal privileges, and we will concede nothing in return." Could the great and splendid authorities to whom he had already referred be made use of against those who wished to maintain the Protestant ascendancy in church and state? He was just as ready as any one of those distinguished individuals to remove every civil and religious disability under which the Catholics were labouring; but the removal of those disabilities should be met by the Catholics with securities adequate to the importance of the benefits they received. Catholic concession should be made upon the principle of advantage on one side and security on the other; but the Catholics seemed to consider that they were the only party to be satisfied. A favourite argument, which was generally urged when this question was debated, and which would most likely be seized upon in the course of the present discussion was this—"You ask the Catholics to do that which is contrary to the tenets of their religion; they cannot take the oaths you propose, or give the security you ask, without violating their religion." It was a most extraordinary and a marvellous circumstance, however, that in the year 1814, the person who then exercised the functions of the See of Rome, said, with reference to the Catholic bill of the year preceding, that there was nothing in that bill, or in the granting of the veto, that any Catholic might not conscientiously agree to. The Roman Catholics, however, protested, that the pope being in confinement, the individual by whom he was represented at Rome had outstepped his authority, in giving that opinion against which they protested, asserting that the cardinal had no right to take upon himself the power of the pope. The cardinal, however, said nothing inconsistent with the station which he filled. It was well known that the pope of Rome was willing to meet any offer of security which the British government might demand from the Catholics of Ireland. He had now before him a letter from the pope himself, in confirmation of that assertion, to which he would refer the House, if the fact was not sufficiently well known already.

But, let the House go one step further, and inquire how the heads of the Catholic church were appointed in the Protestant states of the continent. Who appointed the Catholic bishop of Silesia—who but the Protestant king of Prussia? Yet they were told by the Irish Catholics, that it would be violating the principles of their religion to give such a power to the king of England. In Russia also the only bishop in the empire was appointed by the sovereign. In Prussia the Catholic bishops were appointed by Protestant functionaries. Was it, therefore, so very inconsistent to ask the Catholics of Ireland to subscribe to rules that were observed in the different states of Europe? But, they were under the influence of a sway the most marvellous and extraordinary—a sway which had been much more eloquently and powerfully

described by his right hon. friend, the member for Dublin University, than he could pretend to.

The right hon. and learned gentleman, after some further observations, asked the House, if there was nothing in the state of Europe, contrasting the present time with the years 1810 and 1813, that gave cause for suspicion and alarm? At the time he alluded to, the influence of the Papal See was dead; or, at all events, it was totally harmless and helpless. Yet, in those years the Catholics proposed terms which now they had not named. Securities might at those periods have perhaps been dispensed with; but now, in consequence of the increasing power of the Catholics, both at home and throughout Europe, securities became doubly requisite. Since the year 1814, it would be found that the Catholic religion and the Papal See were stirring with increased activity. He begged the House to refer to the state of France in 1815. In the year 1814, the power of the Jesuits, that had long ruled in Europe with unbounded sway, was crushed, and the memory of their power and their mischief was all that was left of that once-powerful body. Little did he think, when he read the history of those superstitious times in which the Jesuits once played so conspicuous a part, that he should have lived to witness the revival in Europe of that once formidable body. Yet so it was; and they were spreading through every corner of Europe, accountable to no power, and acknowledging no control. His argument therefore was, that if securities were necessary in 1813, before the order of Jesuits was revived, they were much more necessary now, when that all-powerful and insidious body were extending their influence and increasing their power? At that moment they were dispersed over Europe, and in France their power was great. In 1798, the Inquisition was abolished in Spain, in consequence of the French revolution; but now that cursed, that hated engine of misery and tortures, that instrument of cruelty and revenge, was again established in all its original power and deformity in Spain and in Italy. He did not mean to say, that the Inquisition would be established in Ireland: no, but he knew that the Catholic religion was still unchanged, and that the same power to effect mischief was still in existence. Was there, he repeated, less occasion now to demand securities from the Catholics than at the periods he had referred to? In the years 1810 and 1813, Ireland was comparatively tranquil; now she was in a state the reverse of tranquil. Those who kept alive the dissensions in that unhappy country were but too well provided with the means to effect their object. This question of Catholic Emancipation was generally used as an ingredient to keep alive the flame. Those who came forward to seek the boon did not condescend to ask it as a favour; they demanded it as a right. To use the figurative language of one of their orators, "Ireland, gigantic Suppliant, thunders at the gates of the Constitution."

The right hon. and learned gentleman then read an extract from a letter of the Catholic bishop (Dr. Doyle), addressed to lord Farnham, in which the reverend gentleman urged the necessity of granting emancipation in strong and forcible terms. He had adverted to this to show the feelings which prevailed in Ireland, and which the language used by persons possessing immense influence among the Catholic population of that country was calculated to excite. He would not inquire what was the cause which had produced this kind of language. He took it as he found it; and he would ask, when Ireland was labouring under the excitement it had produced, would hon. members contend, that the concessions now sought for ought to be given without ample security? Would they maintain that the principles on which our happy constitution was established should be wholly changed, without any security by which to guard against the dangers which such a change was calculated to produce? He would advert for a moment to the individual from whose writings he had quoted, as a further proof of the necessity of some security, before any concessions should be made to the Roman Catholics. [Here the right hon. gentleman described the great talent displayed by Dr. Doyle in his examination before the committees of the Houses of Lords and Commons; but, in consequence of some slight confusion, we were not able to collect more than the general import of his remarks.] When the House, continued the right hon. gentleman, saw such men with such abilities, and possessing such unbounded influence over the Roman Catholics of Ireland, holding the language of intemperance and rancour, was it not reasonable that they should pause before they

proceeded to make concessions which would throw additional power into their hands? But it might be asked, whether it was fair to judge of all the Catholic hierarchy by the acts of an individual. He would admit that, in general, such a judgment would not be fair in argument; and, if he saw the rest of the Roman Catholic hierarchy renouncing the doctrines of their colleague in the ministry—if he saw them express their dissent from them in any manner, he would be extremely unwilling to press the argument; but when, instead of this, he knew that the influence of this reverend doctor was great among his brethren—when he found that they approved of his acts and opinions—he had a fair right to assume that his sentiments might be taken as a specimen of those which pervaded the body to which he belonged. He was anxious not to be misunderstood on this occasion—not on his own account, but on that of that most respectable body which he had the honour to represent [cheers from the Opposition side]. He would assert, that a body of men, more distinguished for erudition, for sound and liberal principles, did not exist in the empire [the cheers continued, in which Mr. Scarlett joined]; and he felt it the proudest distinction of his life to be placed in the high situation in which that honourable body had placed him. He understood the cheers of the hon. and learned gentleman, and the sarcasm which he meant to convey, not in language but by signs. The hon. and learned gentleman had himself been a candidate for the high honour which he (the Master of the Rolls) had obtained; and, because he had been distanced in the race, he now turned round with a sarcasm upon that honourable body which it had been his ardent desire to represent.

Here the right hon. gentleman made a short pause, and appeared to labour under some sudden indisposition. During this pause he was loudly cheered by the House. He begged pardon for this delay, and thanked the House for their indulgence. The conclusion which he drew from the argument he had used was, that as the illustrious individuals whose names he had quoted as the advocates of concession, had never offered it but on condition of the most ample security, it would be only consistent in those who supported it on their principles, to join him in opposing the present motion, in which no security was mentioned or contemplated. He had endeavoured—he trusted not unsuccessfully—to show that such securities were absolutely necessary; and on this ground he called on those who had heretofore supported the question on the same ground, to join him in opposing the motion before the House, unless the Catholics were prepared with some securities which could be deemed sufficient.

Here, again, the right hon. gentleman paused for several minutes, evidently from the effect of exhaustion. He was again loudly cheered by the House. He begged pardon, he had been strongly and unfortunately excited by what had just occurred, and he feared he should not be able to resume the argument in the order in which he had intended. After another short pause, the right hon. gentleman resumed his address. What, he asked, was it which the Roman Catholics demanded? Let the House consider the nature of the concessions asked. One was, the privilege of eligibility to seats in parliament: a most important privilege; the nature of which, as it affected the present discussion, it behoved the House seriously to consider. They were there assembled by the king's writ, which commanded them to meet for the consideration, among other important matters, of subjects deeply affecting the interests of the state and of the Protestant church; and thus assembled, they were called upon to admit as members of a Protestant legislature, deliberating on matters connected with the security of the Church of England, a body of Roman Catholics, hostile to that Church, and hostile to it from their principles as Roman Catholics. Let the House for a moment consider by whom the Roman Catholics who might be sent to that House were likely to be elected. The power of the forty-shilling freeholders in Ireland was well known; and the influence of those by whom that power was directed was also now well understood. It should be recollected, that when the bill allowing forty-shilling freeholders to vote was passed, it was published through Ireland, that the elections were, virtually, thrown into the hands of the Roman Catholic clergy; and, in very recent instances, it had been shown how far that assertion was borne out by the fact. Abundant proofs of the manner in which that power was exercised had been laid on the table of the House. It would also

be remembered, that when, in the year 1825, it was proposed to disfranchise the Irish forty-shilling freeholders, the bill was most strenuously opposed by the Roman Catholic hierarchy of that country; and for a very natural reason; namely, that it would have the effect of depriving them of that authority which they possessed in influencing the return of members to serve in parliament. When they thus found that the Roman Catholics who might be returned to that House were to be returned by the influence of the hierarchy and clergy of the Roman Catholic communion, he thought it behoved hon. members to consider well what were the feelings of that body towards the Protestant church, for which the Catholic members would thus be called to legislate. To give the House an idea of those feelings, he could not do better than to refer them to the language of a member of that hierarchy, to whom he had already alluded. In the Letters of I. K. L., the author of which, it was known, was the Irish Roman Catholic bishop, Dr. Doyle: he thus described the Established Church in Ireland—"All the retainers of the great paid obeisance to her, and she was always looked on, not as the spouse of the Redeemer, but as the handmaid of the Ascendancy. The latter, whenever she became insolent, or forgot her rank (if rank it could be called), rebuked her into a deportment becoming her situation. They extend their protection to her for their own advantage only; and she, working alternately on their hopes and fears, continues to hold her place as a necessary appendage to the family to which she owes her existence. When indulged, she is indolent; when rebuked, she becomes attentive; she draws tight, or relaxes her discipline, as it may please, or be permitted by her masters; her eye is ever fixed upon her own interests, and she deems nothing forbidden or unhallowed which can serve to promote them. As those who do an injury never can forgive, she is implacable in her hostility to the church which she supplanted; and at this day she appears indifferent to all things else but to the concealment of her riches, and the persecution of Popery. She occasionally revolts against her fellow-servants, who lay bare her spoils, who tell of her frauds and oppressions, who remind her of her origin, and upbraid her with the profligacy of her mis-spent life; but she is much more frequently employed in forming offensive and defensive leagues with her fellows in the corporations, showing the advantages of injustice and oppression, in confounding the charter of her servitude with the title-deeds of her employers, in asserting her claim to a tithe of the land and labour of the kingdom, and proving, to the satisfaction of a Christian community, that though she receives the patrimony of the poor, she is not bound to exercise towards them a single act of mercy."

Such was the opinion, continued the right hon. and learned gentleman, of a Roman Catholic bishop of Ireland, when speaking of that establishment for which Catholics, elected probably by his influence, might be called to legislate. Such was the opinion of a man, whose influence over the Catholics of Ireland was uncontrollable. And would the House consent, that men returned by such influence should have the power of legislating for a Church thus described by one of their own communion, without asking any security by which danger to that Church might be averted? But the language he had quoted was not confined to one individual. The same sentiments were avowed by some of the most leading men amongst the Catholic body. The same sentiments were avowed in the Catholic Association; and no pains were taken to conceal them in public or private meetings.

But it was said—and the thing had been repeated over and over again—suppose sixty or seventy Roman Catholics were returned to parliament, could they, by possibility, have the means of injuring the Established Church, while forming part of an assembly in which were several hundred Protestant members? To this he would answer, that there were those in that House, he regretted to say, who were lukewarm and indifferent towards the interests of the Established Church; and, he was sorry to add, experience had shown that there were some in that House who possessed a hostile feeling towards that Church, though (and it was a satisfaction to know it) their numbers, compared with those who cordially supported it, was but small. But small as it might be, was it, he would ask, prudent to add to the number—to throw into the scale sixty or seventy members so influenced as he had shown the Catholic members would be, and thereby to increase the danger to

which the Protestant establishment would be exposed? If, then, they consulted the true interests of the established Church of England, honourable members would, he contended, be bound to reject the motion before them, or any motion for concessions, unless accompanied with such securities as would guard against all chance of danger.

In alluding to this part of the subject, it had been well observed, in last night's discussion, by the hon. member for Corfe Castle, that though the House might have the power of repressing direct attacks, yet was it nothing to have the Church constantly exposed to repeated attacks, by men who were hostile to its interests? Let them suppose for a moment that a Roman Catholic should be returned as a member to that House, with a disposition to overturn the Established Church of Ireland; and let them suppose such a man, gifted with talents as great, and acquirements as splendid, as those which distinguished his right hon. and learned friend, the Attorney-general for Ireland—let them suppose him possessing an unbounded influence among his Roman Catholic countrymen—and he would ask, would it not be the duty of the House to take care, and, by ample securities, to reserve to themselves the means of guarding against his attacks?

He feared he had already trespassed too long on the attention of the House, [hear, hear]; but so many topics connected with this interesting subject came across his mind since he had risen, that he had occupied the time of the House for a much longer time than he thought he should have done when he began. Honourable members had asked those who took the same view of the question that he did, what was it which they would propose? And then they dwelt with some earnestness on the course which had been pursued in other states; and talked of the liberality which prevailed, on the subject of religious distinctions, in countries where the principles of liberty were by no means so well understood as they were in England. In Austria, it was said, there was no difference made between persons, on account of the religion they professed—that the utmost liberality prevailed there, in that respect. It might be true to the extent stated; but even admitting the fact, no fair parallel could be drawn between the circumstances of Austria and this country. In Austria, the whole of the hierarchy were appointed by government. It was the same in Hungary, in France, and in other countries of Europe; and therefore there was no fair analogy between what was done in those states, and what was proposed to be done here; namely, the granting of political power to a set of men who were notoriously under the influence of a hierarchy, itself independent of the government; under no spiritual obedience to that government; but, on the contrary, deriving its authority from, and yielding obedience to, a foreign ecclesiastical head. This hierarchy, it was known, possessed an almost unlimited influence over the members of its own communion. It carried on a continual correspondence with the foreign power in which it acknowledged the supreme spiritual authority to reside; and in this correspondence it admitted of no responsibility to its own temporal government.

Looking at these circumstances, he would contend, that there was no resemblance between the condition of foreign states, and that of this country, in respect of privileges granted to persons of different religions. There was no similitude between the privileges granted in other states, and the concessions which the present motion demanded at the hands of the legislature.

It was said, that they ought to adopt some measure for establishing the tranquillity of Ireland; that it was impossible for things to remain as they were; and that, having already gone so far, they must go further. He was as anxious for any measure which would have the effect of restoring tranquillity to that country, as the most zealous advocate of the question before the House; but when a particular measure was proposed, with a view to the restoration of tranquillity in that country, he might be allowed to inquire whether it was calculated to produce that effect, before he gave it his assent. If the restoration of the tranquillity of Ireland were pressed as an argument in support of this measure, he must inquire how far it had that tendency. He repeated, that he lamented the want of tranquillity in that country; but it did not by any means follow, that, because it was necessary that Ireland should be tranquillized, the precise measure now proposed was the one which would set it at rest. In his opinion, it would have no such effect.

If this measure were carried, it would produce a great ebullition in that country. The Catholics would triumph in their victory; and the Protestants, or the great majority of them, would repine in the consciousness that they were subdued. There would be a great and momentous explosion, followed by a momentary calm. But, no man, who was acquainted with the Roman Catholics of that country, or with the state of feeling which existed there, would gravely assert, that this measure would allay the excitation which prevailed, so far as to restore tranquillity. No man, he thought, who had seriously considered the subject, would bring his mind to this conclusion. The Roman Catholic religion was a religion of encroachment; and there were circumstances connected with its existence in Ireland, which increased the disposition to encroach. The Roman Catholics of Ireland believed that they had been supplanted by the Protestants, and that it was not less their duty than their interest to supplant them in turn; and from the immense influence exercised over them by their hierarchy, it was not to be supposed that they would desist from making claim after claim until Catholic ascendancy was finally established. That man took but a slight and cursory view of the present state of Ireland, and of the events of which that country had been the theatre for many years, who could maintain the opinion, that the Catholics would be satisfied, or that Ireland would be tranquillized, by the mere concession of the privileges which they now sought to obtain. He reasoned on this point from facts which were notorious to every man who was at all conversant with the state of Ireland. The Roman Catholic bishop of Kildare (Dr. Doyle) had stated, that "emancipation would do much, but that much more remained to be accomplished;" and in another place it was said by him, that "Protestantism was tottering to its fall." The question was not now as to the prevalence of the Roman Catholic religion; but it was this—and he believed it was one on which many even in that House would be disposed to join issue—whether Protestantism was to be continued in Ireland? and that person took a very narrow view of the subject who could entertain a doubt on this point. The language used by the Catholic Association, and received with cheers in that assembly, was not less hostile to the Established Church than that which he had already quoted.

He entreated that hon. members would take these circumstances into their consideration, and not allow themselves to be led away by the assertion, that the measure now proposed to them would have the effect of tranquillizing Ireland. I exhort them (continued the right hon. and learned gentleman) not to be led away by such an erroneous hope. I call upon them rather to consider, whether the destruction of the Protestant establishment is not the object, and will not be the consequence, of these measures, and to pause before they lend their assistance to a proposition that may be attended with such a result. The Protestant Establishment is now a part of the state. I ask hon. gentlemen whether they are ready to relinquish it? I believe that there are in this House many members who would willingly take issue upon this question; but the great majority of those whom he had the honour of addressing, are opposed to that feeling; and to these latter gentlemen I appeal; and I say, do not fancy, that, by adopting these measures you will put an end to the evils that have so long distracted Ireland. I am convinced that such a vote will produce no such effect, but, on the contrary, will lead to new demands, that will be attended with as much excitement of feeling as that which we are now discussing. I am certain that, if we admit sixty or seventy Roman Catholic members into this House, the next measure that will be demanded will be, the upsetting of the Protestant Establishment in Ireland [hear, hear!]. In what a situation shall we then be? If we object to the new proposals, we shall be again told that, as we have gone so far, we must go farther; and we shall be reminded of what we are now doing, and shall be told that we ought to have taken our stand before. Let us, Sir, prevent such a consequence. It is, in the most sober earnestness, that I press these subjects upon the consideration of the House. How am I met in doing so? I am asked, if I object to the measures now proposed, what are those which I would substitute for them? I do not know that I ought to be required to answer such a question. My answer, therefore, is, that I am not a member of his majesty's government [hear, hear!] I am not one of the ministers of the Crown; I have no connexion with the government; I am not united to them,

otherwise than by the respect I owe to the individuals of which it is composed. It would consequently be idle, and indeed mischievous, for me to pretend to say what is my opinion as to the measures that ought to be adopted [hear, hear!]. When, therefore, I am asked what I propose, I answer that question by another, and I ask what are the securities which the Catholics propose to give us in return for the concessions they require us to make? If they ask for concessions, which are to be purchased at the price of security, I ask what are the securities proposed? If they satisfy me that the securities are adequate to the purpose required, I will agree to grant their demands. If their securities are sufficient, I say fairly and at once, I will concede the question; but I must first know what those securities are—I must have time to deliberate on their sufficiency—I must satisfy myself with regard to them—and, until I am fully satisfied, I must do that which will preserve the peace of the church. If I am satisfied upon these points, I am ready to make the largest concessions to the Catholics; but until that time I must oppose any concessions whatever. It is not in a House like this, that diversity of opinion as to principles is to be expected upon this question. The only difference among us, is as to the circumstances in which those principles are to be called into operation. There is but one proposition which will meet with the concurrence of all men; and that is a proposition for concessions granted upon full securities. If securities are proposed to which the Catholics will accede, and with which the Protestants will be satisfied, I, for one, shall be ready to make concessions. I beg pardon for having trespassed so long on the attention of the House; but I was anxious that the manner in which I viewed this question should not be misunderstood, and that anxiety must stand as my excuse. It is not improbable that I may be followed by my right hon. friend, the Attorney-general for Ireland. There is not any man who possesses greater powers, or who can use them more forcibly for the advantage of the cause which he espouses. I admire the earnestness with which he has entered into this question; and while I pay this deserved tribute to his talent and his zeal, I trust that he will give me equal credit for the sincerity with which I entertain the opinions I have expressed.

Sir *William Plunkett* rose, and was received by the House with much cheering. He began by observing, that it might be considered presumptuous in him to offer himself to the attention of the House, immediately after the very able address of his right hon. and learned friend; but the subject was one in which he felt so deep an interest, that he trusted he should be excused if he ventured to offer his humble suggestions, in answer to the statements of his right hon. and learned friend. Before he offered a word in reply to what had fallen from him, he begged to assure his right hon. friend, that no man had a higher respect than he had for his great talents and acquirements, and he hoped he would give him credit for an anxious wish to avoid, in the remarks he was about to offer to the House, any thing which might have even the appearance of giving a false or exaggerated colouring to any of the arguments which he had used. It was his desire, and his intention, to meet his right hon. friend fairly in argument, and in what he should state he hoped his right hon. friend would give him credit for that intention.

Having said thus much, he felt himself bound to state—and he did it with great respect—that he had listened to his right hon. and learned friend with the most profound attention from the beginning, and yet, during the whole of his eloquent speech, he had sought in vain for what he could term a fair objection to the motion now before the House, on a subject which all would allow was most important in the present urgent state of the kingdom. When his right hon. friend began his address, he felt not a little surprise, and some alarm, at the course which his right hon. friend adopted. He began by going into a detail of events which occurred at the Reformation, and anterior to that period; he then went into a history of popery in those days—into a history of the Jesuits, and their machinations at the same period. In this he certainly took a view somewhat new in the discussion, since the last twenty years. He had quoted odious passages which ought to be razed from the page of history, or at least ought to be suffered to lie in oblivion. He certainly had not, that he was aware of, absolutely mentioned Guy Fawkes, or illumined them with his lantern; but his right hon. friend had quoted a variety of passages from history,

which he expected to hear applied to the Roman Catholics of the present day. But no such thing; his right hon. friend had thought fit to amuse the House with those passages, but at the same time he distinctly and candidly avowed, that they had no application whatever to the Roman Catholics of the present time. His right hon. and learned friend had told them, that he went on the general principle of expediency, which expediency was to be measured by security; and he added, that if sufficient security were given he would concede all that was demanded. Now, he did not blame any man for his anxiety to see the church and state secure from all risk of danger. A man, zealous in support of the state, would naturally be desirous, in any change, that it should be protected from all risks: but then, if security were so desirable, it was surely worth seeking for, and he was, therefore, somewhat surprised that, with that view, his right hon. and learned friend had not given his support to the present motion. The motion was merely. "That this House is deeply impressed with the expediency of taking into immediate consideration the laws imposing Civil Disabilities on his Majesty's Roman Catholic Subjects, with the view to their relief." All the motion required was, that inquiry should be made into the penal laws with the view of seeing how they might be removed. Here, then, was inquiry; and in that inquiry it might not be impossible for his right hon. and learned friend to find the security he desired. He had at first supposed that his right hon. and learned friend was ready to adopt the resolution then before the House, provided the Catholics would consent to find adequate securities. He was not, however, left long in the enjoyment of that fool's paradise—if he might use such an expression with respect to himself, and not with respect to his right hon. and learned friend—for, at the conclusion of his right hon. and learned friend's argument, he abandoned altogether his doctrine of securities. He had thought that his right hon. and learned friend would have been satisfied either with the bill of 1813 or with that of 1821, if it had been now proposed: but no, the claims of the Catholics of Ireland, according to his right hon. and learned friend's position, would, if conceded upon any terms, lead only to further demands, and would never terminate until they had caused the subversion of the Protestant church. Would his right hon. and learned friend expose the Protestant church to the dire disaster of subversion, if the bill of 1813 were again proposed? Were there, indeed, any terms—if the imputations which his right hon. friend had made against the Catholics were just and well-founded, and their admission to civil rights would be subversive of the present church establishment—on which he could be induced not to exclude them for ever? If there were not, then his right hon. friend, after leading the Catholics by one part of his speech to believe that he would emancipate them, provided they would concede to him the securities he demanded, had concluded by pronouncing upon them an immutable and interminable interdict, excluding them for ever from participation in the constitutional privileges of their fellow-countrymen. Such was the painful necessity to which he had driven his right hon. friend; and giving him the utmost credit for liberality of feeling and for sincerity of purpose in the declaration which he had made, that he did not impute to the Catholics of the present day the crimes of the Catholics when the penal laws were first enacted, he must still say, that his right hon. friend must, in future, be placed in the first ranks of those who had doomed the Catholics to perpetual exclusion from the pale of the constitution.

In the course which his right hon. friend had that night pursued, he had armed himself, as far as he could, with authority on every point. He had heard, however, with great surprise, one position of his right hon. friend;* namely, that Mr. Pitt was to be placed at the head of that class of statesmen, who were to be considered as decidedly inimical to the claims of the Catholics. Now, if there was any point in Mr. Pitt's political conduct on which no doubt could, by any possibility, be entertained, it was his conduct with regard to the claims of the Catholics.* It had been a fashion of late to suppose that Mr. Pitt was not at heart a friend to the Catholics. There was at that present moment a club in existence, under the name of the "Pitt Club," which met at stated periods to celebrate the principles of exclusion and illiberality, and which he would take upon himself the liberty to designate the most audacious forgery of modern times. It was an impudent attempt to rob that great

man of the reputation of being a friend to the rights and privileges of the Catholics. It had been said by one hon. gentleman, that Mr. Pitt had demanded securities from the Catholics; and his right hon. friend had declared it to be Mr. Pitt's opinion, that all securities would be found unavailing. Now, did his right hon. friend mean to represent Mr. Pitt as a mere idle declaimer, who, on a subject which the whole line of his public conduct demonstrated that he conceived to be of paramount importance to the national welfare and security, had held out to the Catholics certain concessions as attainable upon their giving adequate securities, when, at the same time, he knew, that it was not possible for them to devise any securities which could be considered adequate? When Mr. Pitt held out to the country, that the Catholics could be admitted within the pale of the constitution, he must have turned in his mind the means by which they were to be reconciled to its great institutions, of which the church was one, and by which they were to be induced to repose in quiet, under the protection of his seven-fold shield. He was convinced that there never had been either a firmer or a sincerer friend to the Catholics, than Mr. Pitt; and that if he had not thought that the Catholics could grant securities, he would never have condescended to ask for their being given. He had, indeed, heard it stated by a noble lord who was much in the confidence of Mr. Pitt, that Mr. Pitt had never mentioned to him what his notion of those securities was. Now, he would say, that Mr. Pitt would have been one of the greatest dolts and drivellers that ever existed, if he had communicated to that noble lord what he considered those securities ought to be. What would have been the consequence of Mr. Pitt's making such a communication to the noble lord? That the noble lord, who was a firm friend to the constitution as established in church and state, would have thrown every difficulty in the way of those securities, which his acute and ingenious mind could have suggested.

Before he quitted the subject of Mr. Pitt's conduct, there was one observation more which he wished to make upon it. When Mr. Pitt had proposed the great measure of a legislative Union between Great Britain and Ireland, he had, as his right hon. friend had stated, told the House, and also the people of Ireland, that it would afford facilities for Catholic emancipation, which could not be attained in an Irish parliament. He did not pretend to say that Mr. Pitt had given to the Catholics any direct and positive pledge that the Catholic question should be carried, if they supported the Union; but he did mean to say that Mr. Pitt, by his public declarations, had induced them to suppose that it would add facilities and not difficulties to the successful decision of that great question. He would, then, ask the House how the case stood at that moment? The House was at present arguing a question as to the admission of Catholics within its walls; and if that question were to be decided by the voice of the representatives of the Irish people alone, it would be decided in favour of the Catholics by a majority of two to one. And, what was the obstacle to that admission, on which the hon. gentlemen, who took a different view of this subject from himself, principally relied? The clamour raised against it by the people of England, who would not have had a right to open their lips on the point, if it had not been for that very measure of the Union. When he spoke of the clamour of the people of England, he felt bound—whatever opinion he might entertain of others—to say, that his right hon. friend near him (Mr. Peel) was utterly incapable of lending himself to raise it. His right hon. friend had declared, on a former occasion, that he would never condescend to any such unworthy means of opposition; and it was only an act of justice to him to say, that he had fairly and manfully kept his word. In his opposition to the claims of the Catholics, he had been a sincere, and candid, and liberal adversary; and he was proud to say, that, except upon this point, there was no question relating to the government of Ireland in which he had not the cordial support and co-operation of his right hon. friend. His right hon. friend had never suffered any feeling of religious partiality to mix itself up with his political conduct; and his conduct in that respect could not be too highly appreciated and applauded [hear]. Such was his opinion of his right hon. friend; but, if there was any person who had assisted Mr. Pitt in bringing about the union of the two countries, and had suffered Mr. Pitt, without rebuke, to hold out hopes of emancipation to the Catholics, in order to gain their consent

to it, in that man it would be the basest treachery now to turn round and raise a cry against the Catholics. He did not impute to any particular individual such conduct; but it did appear to him—supposing it were right and proper to hold out such hopes to the Catholics as he had described—to be most unfair, most unjust, most unwarrantable in any man, who joined Mr. Pitt in bringing about the Union, now to oppose the consummation of those hopes by hounding on the people of England to raise a cry against the Catholics [hear, hear]. He did not believe that such a cry was at all general at that moment in England. He believed that the advocates of the Catholic cause had, of late years, gained much ground in this country, by the fair and legitimate means of argument and persuasion; and that, if the people of England had not been rudely dealt with, and riotously and savagely assailed by the demagogues, who affected to rule, and who, unfortunately, had obtained too much ascendancy, over their Catholic countrymen, they would have been found reasonable enough on the subject. Indeed, the result of the late general election sufficiently proved, that in all the large places, where public opinion had room to express itself, the cry of "No Popery" had entirely and utterly failed.

He had, however, been led away from the topic to which he had intended to turn his own attention, and with it the attention of the House. His hon. and learned friend had included other names, besides Mr. Pitt, in his list of individuals who were hostile to the claims of the Catholics. He had mentioned the name of Mr. Grattan, the name of lord Grenville, and the name of lord Londonderry. Did his right hon. and learned friend recollect what had been the conduct of Mr. Grattan, of lord Grenville, and of lord Londonderry, with respect to the various bills which had passed the House of Commons respecting the Catholics? Did he recollect that, in 1821, when a bill was proposed which was carried through that House, it received the entire concurrence of lord Londonderry, and that, though it was lost elsewhere, it received the support of lord Grenville? True it was, that that bill demanded securities from the Catholics: but on what ground, or on what authority, did his right hon. and learned friend pretend to assert, that the motion of securities was abandoned at present? Let the House observe the conduct pursued on this subject by the opponents of the Catholics; and then judge of the embarrassing situation in which they endeavoured to place those who supported their claims. When, in 1825, that measure passed the House of Commons which was lost in the House of Lords, how was it encountered by that distinguished and illustrious statesman, whose temporary absence from the councils of his sovereign he lamented, in common with every man in the country, and on what ground was it ultimately defeated? Not on the ground of the securities being insufficient; for that noble lord, the earl of Liverpool, had distinctly stated that, if he could get rid of the objections which he had to the measure on account of its principle, he would not care a straw about the securities: nay, that he would, in half an hour, frame a clause, which should leave them free from all objection [hear, hear!]. His right hon. and learned friend, however, objected to the measure on different grounds. He said that, as far as the principle of the bill was concerned, he would give the Catholics every thing—but that he could not consent to get rid of the securities, which the noble lord thought so unimportant that he undertook to settle every question regarding them in half an hour [hear, hear!].

His right hon. and learned friend had talked very much about these securities. He must own that he had sat for some time in anxious expectation of hearing from his right hon. and learned friend something of the dangers against which these securities were to be provided; for securities were in general measured by the magnitude of the dangers which rendered them requisite. His right hon. and learned friend could not fairly ask him for his security, until his right hon. and learned friend had told him what was his danger. Had his right hon. and learned friend said one word by way of description of the dangers of which he appeared to have such monstrous apprehension? Did those dangers, in his right hon. friend's opinion, affect the state or the establishment of the Protestant Church? He believed that his right hon. friend's opinion was, that they affected the latter. Now, would his right hon. friend allow him to ask, what were the dangers to the Protestant establishment which he apprehended from the concurrence of the House in

the hon. baronet's resolution, or in a bill founded upon it; supposing that it should be like the bill which went through the House in 1825? He took it for granted, that when his right hon. friend spoke of the insecurity of the Protestant establishment, he merely meant the Protestant establishment in Ireland. Now, he would tell his right hon. friend, that the real insecurity of the Protestant establishment of Ireland consisted in this—that the religion to which it belonged was only the religion of a small portion of the inhabitants of the country; that by far the larger portion were of a different religion; and that it might be supposed that by a discontented people and an ambitious clergy—supposing the Catholic clergy to be ambitious—an attempt might be made to overthrow the Protestant hierarchy and the Protestant establishment. Would his right hon. and learned friend permit him to ask, whether the bills which passed the House of Commons in 1813 and 1825, reduced by their securities either the numbers of the population which differed in religion from the establishment, or increased the numbers of those who belonged to it? If there were any dangers to be apprehended from acceding to the present motion, they existed already, and arose from moral causes of long duration, over which the present measure would have no control; except, indeed, it were in lessening them. His right hon. and learned friend was the distinguished representative of a Protestant university, which had conferred no less honour upon itself than upon his right hon. friend, by selecting him to represent it. He himself had also the honour of representing another Protestant university, of which he was justly and deservedly proud. He believed that his right hon. and learned friend and himself were in the same situation with respect to this question; for no petition against the claims of the Catholics had come from the constituents of either [hear!]. Now, as the representative of a Protestant university, he would not yield a whit to his right hon. and learned friend, in zeal or attachment for a Protestant establishment. He was one of those who conceived that a religious establishment was essential to the existence of religion itself. He believed that if there were not a great hierarchy, endowed with honour and emoluments, in times like the present, religion itself would sink into contempt, and its moral influence be greatly depreciated. He thought that all religion derived advantage from having an establishment to support and purify it, and that it was impossible for it to repose in tranquil dignity without one; and therefore it was that he said that for the proper security of the Protestant religion itself, the security of the Protestant establishment could not be too vigilantly guarded. He looked upon the Protestant establishment in Ireland as a great bond of connexion between that country and England; and was convinced, that, if it were overturned, the connexion between the two countries would be seriously endangered. He said, besides, that it had now existed for more than three hundred years—that it was interwoven with every species of tenure on which landed property was held in Ireland—that if it were shaken, the tenure of property must be shaken with it, and consequently, that the state would be in the very jaws of dissolution and ruin [hear, hear!].

But how was it proposed to defend the Protestant establishment from the dangers which seemed to surround it? His right hon. and learned friend had not proposed any thing, though his friends were as loud as himself in declaring, that if the question of emancipation was carried in the affirmative, the Protestant establishment must necessarily fall to the ground. Would his right hon. and learned friend for one moment consider, what was the converse of the proposition which he had just maintained? Was it not this—that so long as the Protestant establishment existed, the great bulk of the people of Ireland could not be admitted to an equal participation in civil rights? Was that a proposition which any prudent man would undertake openly and undisguisedly to maintain? If it were absolutely necessary to maintain such a position—if the country were unfortunately reduced to such a state of things, that the great body of the Catholics of Ireland must be debarred from the enjoyment of political rights and privileges, or the church establishment must fall—then he must say, as Mr. Burke had said before him, that it would be an "ugly alternative" to which he should be sorry to see parliament reduced [hear, hear!]. But if such a necessity were gratuitously assumed, and had no existence, would it be either safe, judicious, or expedient, nay, would it be any

thing, except the rankest fanaticism, for any supporter of the Protestant establishment to say to his Catholic brethren, "You shall at no time, and upon no terms, be admitted to your rights, whilst our establishment remains in vigour?" He would ask the House to consider, supposing it yielded to the proposition of his hon. friend on the other side of the House, whether it would not be adding to the security of the Established Church? At present, there was a large population in Ireland discontented with having to provide for the clergymen of two distinct and separate establishments. One of the objects of the present measure was to relieve that discontented population from the payment of both of them, by consigning to the government the means of providing for the Roman Catholic hierarchy. He would give the House an instance of the excellent results which had been derived from a similar experiment which was made nearly a century ago. At that time the members of the Protestant church establishment in Ireland, were greatly alarmed by the proceedings of the Presbyterians, whom, for some cause or other, they considered as their deadly enemies. The laws imposing tests upon the Presbyterians, were repealed, and the ministers of that religion were paid by the state. What had been the consequence of that measure? That the clergy of the established church had no warmer friends, no steadier supporters, than the Presbyterians. There were no quarrels, no contentions between them. In the north of Ireland, where the Presbyterians were most numerous, the people did not care to which church they went. In general they went where there was the best preacher; and thus the greatest harmony was kept up between those two sects, which had once been so hostilely affected towards each other [hear, hear]. There was another circumstance connected with that measure, which he wished to bring before the notice of the House. It had been predicted, that it would be the certain overthrow of the Protestant Established Church. Dean Swift, who had in general a clear insight into the probable results of political measures, declared such to be his opinion; and his declaration was loudly re-echoed by the inferior clergy. Hence he inferred, that there might often be a great cry of danger to the church, among the ministers of the church, when measures were proposed which tended no to endanger but to protect the establishment [hear, hear]. He would mention another fact of more recent occurrence, from which a similar inference might fairly be deduced. Did any man, at all acquainted with the domestic affairs of Ireland, entertain the slightest doubt, that the tithe measure had been of the greatest use in protecting the church—that it had alleviated much of the discontent which prevailed in that country—and that it had reconciled many to the establishment who were before dissatisfied with it? A loud outcry had been raised against that bill, on the part of the national church, and several clergymen had exclaimed as loudly against its passing as they now did against the passing of this measure. He did not mean to say that the outcry was not raised from an honest and sincere belief of danger in the minds of those who made it; but he appealed to the existence of it on that occasion, as an argument to prove, that the clergy often raised a great tumult against measures which were intended to promote the interests, not to endanger the safety, of the church [hear].

He would now come to another topic of his right hon. and learned friend, which, in imitation of the example of his right hon. and learned friend, he had left to the last part of his speech—he meant the present condition of Ireland, a subject replete with the deepest and most awful interest. Before, however, he applied himself to that subject which formed the very soul and essence of their consultation of that night, he would apply himself to one or two observations which his right hon. and learned friend had made, upon the times when those laws were enacted which his right hon. friend now objected to repeal. He would not advert to any fact connected with those times, except it involved a principle. He knew the subject was a dry one, and he would be as brief as possible in the review he felt it necessary to make; but, if he should be longer than he wished, he trusted that the House would excuse his prolixity, on account of the importance of the subject. He would here take the liberty of observing, that at all times, even before the Reformation, danger had been apprehended in this country, from the spiritual interference of the pope, and from the difficulty of separating his spiritual from his temporal authority; yet, the danger had never been considered of such

a nature as to be destructive of the allegiance of the subject, and to render it necessary to punish, on that account, every zealous Catholic with the deprivation of his civil rights. Of the first bill to which his right hon. and learned friend had alluded, he should dispose in a word—it had been passed before the Reformation. At that time the power of the popes to interfere in the affairs of the church was on all hands undisputed; but his power to interfere in the temporal affairs of the state was denied. How was that done? By the most spirited resistance, whenever circumstances rendered it necessary. Such resistance was exercised in the time of the Richards, the Edwards, and the Henries, by popish kings, and by popish parliaments, providing against the temporal interference of the pope, and protecting the independence of the country. So matters continued without interruption to the period of the Reformation. Then, for the first time, was the oath of Supremacy introduced into the system of our law; and it was introduced for the purpose of distinguishing those who denied the authority of the pope to interfere in the affairs of the Established Church, from those who maintained it, and thus of ascertaining the loyalty of every person whom the Crown employed in its service. To prove that he was stating that matter truly, he would read to the House the provisions of 5 Elizabeth, cap. 1, sec. 17. It was the statute which made the oath of supremacy a test, to which every man must submit before he could take his seat in the House of Commons. What was the recital of it? He would tell them. Here the right hon. member read the following part of the preamble:—

"Forasmuch as the Queen's Majesty is otherwise assured of the faith and loyalty of the temporal Lords of her high Court of Parliament, therefore this act shall not extend to compel any temporal peer of or above the degree of baron of this realm, to take or pronounce the oath aforesaid, or to incur any penalty limited in this act, for not taking or refusing the same."

He contended from that act, that the refusal of the oath of supremacy was not considered, in the time of queen Elizabeth, as a proof of a want of allegiance to the sovereign, but only as a test by which it was tried upon certain occasions; and he showed, by historical reference, that the temporal peers continued to exercise their functions as lords of parliament without taking it till the 30th Charles 2nd. The 18th of Geo. 3rd, cap. 60, merely required Roman Catholics to swear that they would be faithful, and bear true allegiance to his majesty, and said nothing about the oath of supremacy. The 31st Geo. 3rd was the next act passed on the subject; and if there was any force in the doctrine, that Catholics were not to be credited on their oaths, the legislature was guilty of subornation of perjury in passing it; for it first called upon the Catholic to swear that he was one, and then called upon him to take the oath of allegiance mentioned in the former act. The right hon. gentleman then read the preamble of the 31st Geo. 3rd, cap. 32, as follows:—

"Whereas certain penalties and disabilities have been imposed on persons in communion with the See of Rome and their children, and certain principles have been imputed to them which they are willing to disclaim;" and then proceeds to provide for them the following oath and declaration:—'1st, I solemnly declare that I do profess the Roman Catholic religion.' 2nd, 'I promise and swear that I will be faithful, and bear true allegiance to his Majesty.'"

Were the provisions of this act mere impositions made to gull the unlearned, or were they not pregnant proofs that the oath of supremacy was not intended as a necessary test of allegiance?

He had now to lead the attention of the House to another and a brighter state of things—to a signal act of justice performed by the British legislature. When we first took possession of the French province of Quebec, a large majority of its inhabitants were Roman Catholic; and the terms on which it was ceded to us were, that their rights should be secured to them, so far as they were consistent with the laws of England. A proclamation was issued in the year 1763, by which they were called upon to take the oaths of supremacy and allegiance. This was clearly an act of injustice itself, and also a violation of the treaty by which the province became ours. Was any measure taken, and of what nature was it, to redress the injury thus inflicted on the settlers of Quebec? Yes; an act was passed in the year 1774, to which he called the attention of every gentleman who contended, that a Catholic establishment, in any part of his majesty's dominions, was a vio-

lation of the coronation oath. The oath recited—

"That the proclamation of 1763 had been found, upon experience, to be inapplicable to the state and circumstances of the said province, the inhabitants whereof amounted to above sixty-five thousand persons, professing the religion of the church of Rome, and enjoying an established form of constitution and system of laws, by which their persons and properties had been protected, governed, and ordered, for a long series of years, from the first settlement of the said province." It therefore withdraws the proclamation, and enacts, "that for the more perfect security and ease of the minds of the inhabitants of the said province, his majesty's subjects professing the religion of the church of Rome, in the said province of Quebec, may have, hold, and enjoy, the free exercise of the religion of the church of Rome, subject to the king's supremacy, declared by the act of the 1st of Elizabeth, and that the clergy of the said religion may hold, receive, and enjoy, their accustomed dues and rights, with respect to such persons only as shall profess the Roman Catholic religion;" and for this purpose it enacts, "that no person professing the religion of the church of Rome, within the said province, shall be required to take the oath required by the 1st of Elizabeth, but shall take the oath thereby provided:" namely, the oath of allegiance as taken by the Roman Catholics here, "and thereupon shall enjoy all their customs, usages, and civil rights, consistently with their allegiance to his Majesty, and their subjection to the Crown and Parliament of Great Britain."

Now, what had been the consequences of this act of liberality and justice? That when the Protestant provinces of North America revolted and dissolved their connexion with the mother country, the Popish province of Canada continued firm to its allegiance to the imperial crown of Great Britain [hear, hear]. The House would, perhaps, excuse him if, while upon this subject, he read to them the opinion which Mr. Burke had expressed upon it, in his Letter to sir H. Langrishe:—

"I voted last session, if a particular vote could be distinguished, in unanimity, for an establishment of the church of England conjointly with the establishment which was made some years before by act of parliament, of the Roman Catholic, in the French conquered country of Canada. At the time of making this English ecclesiastical establishment, we did not think it necessary for its safety to destroy the former Gallican church settlement. In our first act we settled a government altogether monarchical, or nearly so. In that system, the Canadian Catholics were far from being deprived of the advantages or distinctions, of any kind, which they enjoyed under their former monarchy. It is true, that some people, and amongst them one eminent divine, predicted at that time, that by that step we should lose our dominions in America. He foretold that the pope would send his indulgences thither; that the Canadians would fall in with France; would declare independence, and draw or force our colonies into the same design. The independence happened according to his prediction; but in exactly the reverse order. All our English Protestant countries revolted. They joined themselves to France: and it so happened, that popish Canada was the only place which preserved its fidelity; the only place in which France got no footing; the only peopled colony which now remains to Great Britain. Vain are all the prognostics taken from ideas and passions, which survive the state of things which gave rise to them. When, last year, we gave a popular representation to the same Canada, by the choice of the landholders, and an aristocratic representation, at the choice of the Crown; neither was the choice of the Crown, nor the election of the landholders, limited by a consideration of religion. We had no dread for the Protestant church which we settled there, because we permitted the French Catholics, in the utmost latitude of the description, to be free subjects. They are good subjects, I have no doubt; but I will not allow, that any French Canadian Catholics are better men or better citizens than the Irish of the same communion. Passing from the extremity of the west to the extremity almost of the east, I have been many years (now entering into the twelfth), employed in supporting the rights, privileges, laws, and immunities, of a very remote people. I have not as yet been able to finish my task. I have struggled through much discouragement and much opposition, much obloquy, much calumny, for a people with whom I have no tie but the common bond of mankind. In this I have not been left alone. We did not fly from our undertaking because the people are

Mahometans or Pagans, and that a great majority of the Christians amongst them are Papists. Some gentlemen in Ireland, I dare say, have good reasons for what they may do, which do not occur to me. I do not presume to condemn them; but thinking and acting as I have done towards these remote nations, I should not know how to show my face here or in Ireland, if I should say that all Pagans, all the Musselmen, and even all the Papists (since they must form the highest stage in the climax of evil), are worthy of a liberal and honourable condition, except those of one of the descriptions which forms the majority of the inhabitants of the country in which you and I were born. If such are the Catholics of Ireland—ill-natured and unjust people, from our own data, may be inclined not to think better of the Protestants of a soil which is supposed to infuse into its sects a kind of venom unknown in other places" [hear, hear].

After such a statement, coming as it did from such a quarter, and supported as it was by the legal records to which he had referred, it would be impossible any longer to contend, either that the oath of supremacy was necessary as a test of allegiance, or that any danger could accrue to the Protestant church establishment, from the complete admission of the Catholics to civil rights. He would not, on this legal part of the question, trouble the House with any further observations, as he trusted that those into which he had already entered were sufficient to produce conviction in the mind of any impartial and considerate man. On this point he had only to refer to Irish history, and to the history of the statutes, to prove the justness of his conclusion. The act of the 5th of Elizabeth, which directed the oath of supremacy to be taken, as a necessary form, previous to admission into parliament, never was enacted in Ireland; and the 30th of Charles 2nd, which extended that statute, never was introduced into the sister country. From the period of the Reformation, down to the Revolution, things remained in this state. [Here the Master of the Rolls alluded to the 1st of Elizabeth.] He knew that the 1st of Elizabeth had been enacted in Ireland; but the 5th of Elizabeth never was; and it should be observed, that the 5th of Elizabeth was that enactment by which the Roman Catholics were kept out of parliament. To that point alone—the admission of Roman Catholics to sit in parliament—his argument was now directed. From the Reformation to the Revolution, Roman Catholics were, by law, admissible to sit in the parliament of Ireland. They were not called on to take the oath of supremacy; and, in the time of James 1st, no less than one hundred and one Roman Catholics had seats in the Irish House of Commons, and voted on the choice of a Speaker [hear]. No man who was acquainted with the state of the law in Ireland, at the time to which he referred, could fairly argue that the Roman Catholics of Ireland were then excluded from parliament. In 1691, when the articles of Limerick were signed, the Roman Catholics were, by the law of Ireland, admissible to seats in parliament; and they were also eligible to different public offices, save and except those mentioned in the 14th of Charles 2nd.

What then, he would ask, were the stipulations contained in the articles of Limerick, and to what extent did they go, in protecting the civil and religious rights of the Roman Catholics of Ireland? The first article of the treaty set forth that, "The Roman Catholics of this kingdom shall enjoy such privileges in the exercise of their religion, as are consistent with the laws of Ireland; or as they did enjoy in the reign of king Charles the 2nd; and their majesties, as soon as their affairs will permit them to summon a parliament in this kingdom, will endeavour to procure the said Roman Catholics such further security in that particular, as may preserve them from any disturbance upon the account of their said religion." Now, it certainly appeared to him, that, as, at the time of signing those articles, the Roman Catholics of Ireland did possess certain important political privileges, and amongst others, the right of admission into parliament, the clause which he had quoted fully recognized those privileges. It did not refer merely to the exercise of religious rites, but also to the enjoyment of such political privileges as they had exercised in the reign of Charles the 2nd, one of which was eligibility to sit in the Irish parliament.

It was, however, argued that this provision extended only to persons who were in garrison. But the words of the article, which mentioned generally, and without reservation, "the Roman Catholics of this kingdom," sufficiently proved, that it was meant to include the whole body of Irish

Roman Catholics. King James was then king *de facto;* he was attempting to maintain a particular religion (erroneous they might call it if they pleased), by the aid of his Irish subjects; but being king *de facto*, the king of England had no more right to take away the privileges then enjoyed by those subjects, than he had to deprive any other class of men of their political immunities. The stipulation which he had read was not entered into merely for the benefit of those by whom it was signed, or of those who, in consequence of it, were induced to capitulate. No; if there was any meaning in words, it was evidently intended for the protection of the Roman Catholics of Ireland at large. His right hon. friend had said, "if this point can be established, why then there is an end to the question." He (sir W. Plunkett) would not, however, go so far; because, though the breaking of that compact was, in the first instance, highly reprehensible, he did not mean to say, that circumstances might not have occurred in the course of a hundred and fifty years, which would render it necessary to argue the question on other grounds. If gentlemen would take the trouble of examining, they would perceive the miserable state to which England had reduced herself by this breach of compact, for it was neither more nor less. They determined, in the first instance, to shut out the great body of the people of Ireland from any participation in the business of the state; they determined to exclude them from parliament; they determined effectually to repress amongst them every feeling of honest ambition. The persons who did this were not fools—although he could not say that there was much wisdom, and certainly there was no justice, in their general proceedings. But, in one point, they acted wisely. When they came to the resolution of excluding the Roman Catholics from power, they took care that they should also be prevented from acquiring wealth. The reason was obvious: for it was a problem in morals, as demonstrable as any in mathematics, that if the means of acquiring wealth and information were granted, whilst political power was withheld, the overthrow of the state was almost certain to be the consequence. From the time, therefore, when the Roman Catholics were shut out from political privileges, those who had effected that object were constantly employed in the odious and disgusting task of preventing them from realizing property, or acquiring knowledge. Their great aim was, to reduce the Roman Catholics to the most abject and humiliating state of poverty and ignorance. This state of things continued for seventy or eighty years; and they then found it impossible to let the system go on any longer. They were then obliged to commence undoing that which they had been so long and so mischievously employed in doing. The Roman Catholics were thankful for every benefit which was conferred on them. They were happy to be relieved from that state of degradation under which they had so long suffered. They rejoiced when substantial authority and power was placed in their hands. They rejoiced when they found that they began to be considered as a body of importance in the state. Those, however, who had thus far relieved them, had left the task incomplete. They felt that complete justice was not rendered to them, so long as they laboured under any disabilities. Their opponents said, "We have done much for you, but rest contented; political power in the state we never will allow you to enjoy." It was very easy to talk of demagogues, of violence of speech, of vituperation; and to introduce these topics, as reasons for withholding from the Roman Catholics that which they claimed. But let gentlemen consider what it was that these people were demanding. They were demanding no fanciful right; theirs was no visionary object; they were calling for their just share in the British constitution. They were demanding that which the people of Ireland, during seven hundred years, while that country was under the English government, had constantly demanded—to be full participators and sharers in the blessings of English law. He would take leave to ask the Protestant gentlemen of England—and every one knew that he respected them as much as any individual in that House could do—he would ask them, if an attempt, even the most remote, were made to deprive them of those privileges, for a participation in which the Roman Catholics prayed, what would be their feelings, what would be their conduct, under such circumstances? There was not a man amongst them, who would not lay down his life—who would not, if possible, make a still greater sacrifice—sooner than part with one of them—sooner than give up the glorious privilege of sharing in

the right to make and dispense the laws under which he lived, and by which he was governed [cheers]. If such an attempt were made, it would not be met by idle murmurings and vain complainings. It would call forth the energies of the whole nation; and the attempt would sink before the indignant voice of the people.

"*Hinc exaudiri gemitus, iræque leonum Vincla recusantum.*"

Now, he would contend, that the right of the Roman Catholics to those privileges was as just as that possessed by any of those who now enjoyed them. It originally rested on the foundation of the constitution—it was afterwards recognized by treaty—and it could not, in either case, be touched without manifest injustice [hear, hear].

He had, in speaking on this point, expressed himself warmly; but in nothing that he had said did he mean his observations to apply to any individual, either in or out of that House. On the contrary, he wished to speak in terms of the utmost respect of all those who took a view of the question different from that which he entertained. Those individuals might be in error: he also might be in error: and the House would in the end judge between them. Before he sat down he wished to advert to a subject on which his right hon. friend had touched, towards the conclusion of his observations. He alluded to the state of the country to which this question most particularly related, The time had been when they were told in that House, that the great body of the people of Ireland would know nothing of those rights and privileges, if they were not urged upon their attention by designing men. That, in fact, they were not aware of any such rights—that they would never think of sharing in the formation of the laws, in their interpretation, or dispensation, if their minds had not been excited, and their passions inflamed, by factious orators. This doctrine had been laid down by grave authority within the walls of parliament. He, however, need not spend a great deal of time in convincing the House that this was not the case. Every person who would allow himself the fair use of his senses must know, that in Ireland there was, at the present moment, a universal sympathy amongst all classes of Roman Catholics, on the subject of the disabilities which affected that body. Clergy and laity, nobility and gentry, old and young, rich and poor, were all pressing forward, with ardent desire, towards the one great object—the recovery of certain specific, determinate rights. That there never was, in any period of their history, except when the people were in a state of actual rebellion, such an unanimous call for civil rights as at the present moment, no man in his senses could doubt. That call was not confined, as he had said, to the higher ranks and classes of the people. The same feeling pervaded the middling ranks and classes throughout the whole of Ireland. But one sentiment prevailed in every part of the island. Any person who was at all observant of what was daily occurring must be convinced of this fact. If he looked to the newspapers—if he attended to the proceedings of the Catholic Association—if he marked the resolutions passed at aggregate meetings—if he noticed the language held at the meetings of parishes and villages—he would find amongst the people not only that eloquence and energy which were ordinarily ascribed to them, but he would also discover, that their conduct was marked by shrewdness, intelligence, and knowledge. He would perceive from those proceedings, that the Roman Catholics understood their grievances, and the value of that for which they contended, as well as any individual whom he then had the honour of addressing. Knowledge, no less than wealth, had been rapidly spreading amongst those persons; and there was not, he would venture to say, a Roman Catholic in Ireland, possessed of 100*l*. a-year, who had not all the energies of his mind directed towards this one object. Traders, shopkeepers, every person who filled a rank that at all approached to the middle class of society, well knew the great value of the rights which the Roman Catholics were anxious to obtain. This circumstance was, he thought, in a certain degree, a safeguard and security. Those individuals were sensible of the blessings which they now enjoyed, in consequence of the wise system that had been pursued towards them for the last forty years. They had learned to prize those blessings as they ought; and they were perfectly convinced that they could not be gainers by rebellion or invasion. They knew and felt that disturbance, whether effected by rebellion or invasion, must defeat and destroy their best hopes. He would fearlessly assert, that the king had not in his dominions

more faithful or more loyal subjects than the people of Ireland. There was the material for good or for ill, as it might be wrought [hear, hear]—for battle or for contribution—for peace or for war—for amity or for hatred. The rejection of their claims, it could not be doubted, had produced in the minds of that population, well-disposed as he believed it to be, an universal feeling of discontent; and he was bound to say, so far as his observation went, that that discontent was increased, in proportion as the Roman Catholics acquired wealth and knowledge. Still, however, the possession of wealth would not suffer that body to lend their ears to the suggestions of disaffected persons—they would not, from that very circumstance, lend themselves to any project which could operate against the interests of the country. The wisdom of the laws which allowed this acquisition of property, at the same time afforded that security to the state; for every man who acquired property might be considered as a hostage to the state: but, on the other hand, the feelings and impulses which were naturally created by the same cause, might, under particular circumstances, bring with them a certain degree of danger. One would suppose, that, in proportion as men advanced in wealth, they would find the causes of discontent removed; and, as a general principle, this was true. What, then, he asked, occasioned the difference with respect to Ireland? Were the laws ill-administered? No. Was it because there was a deficiency in the administration of justice between man and man? No. Was it on account of a want of attention on the part of the government to the comfort and happiness of the people? Certainly not. Whatever could be effected for their benefit was constantly attended to by the present illustrious chief-governor of Ireland. From what, then, did the discontent which prevailed in that country arise—from what cause did it spring—out of what circumstances did it grow? It grew out of the vice of the system, which had so altered and perverted the rules of Providence, that the wholesome juices which ought to support and invigorate the state, were converted into noxious poisons, destructive of the constitution, and pernicious to the public security.

What, then, was the remedy? The true remedy was, to destroy the vice in the system, by placing those who were now discontented, in that situation which they felt they were entitled to fill, on every plea of justice and equity. Hitherto, he had been speaking of the middle class in Ireland; but, below that, there was another class of population. In noticing the feelings of that population, an hon. and learned friend of his had miserably duped himself—as, if it were necessary, he could prove to demonstration. If his hon. and learned friend proceeded on such data, he would, in the end, find himself completely deceived. The fact was, that the great and overwhelming mass of the labouring population of Ireland were at that moment as anxious as any other portion of the people on this great question. Some individuals asserted that those persons did not feel any interest in it. But no man could go into the cabin of an Irish peasant—no man could touch upon the subject, even to the most illiterate labourer—without perceiving that his feelings were, in an overwhelming degree, excited by it. The great body of the population felt that they were degraded: they considered themselves as an oppressed caste: they viewed themselves as an oppressed race, marked out for insult, on account of their religious tenets. The House had been told, and truly, that there were in Ireland a set of restless demagogues and agitators, whose proceedings had a powerful effect on the public mind. This he allowed was, to a certain extent, correct. All sides of the House admitted the fact. He could not, for his own part, say what their design was. Was it to raise rebellion? In candour, he must say, that he did not believe it was. It was not, he thought, their intention to excite the people to acts of outrage or rebellion—but to rouse them to a state bordering on fury, and to procure for themselves the character of being the uncontrolled masters of the Roman Catholic population, whom they might excite to act either right or wrong, just as they might think fit [hear, hear].

It would naturally be asked, "Is this a state in which Ireland ought to be left?" Unquestionably not. There were the combustibles—and there were the men, match in hand, who might, in a moment, set the whole in a flame. He would here repeat what he had stated as his deliberate opinion on a former night—that the only real security for the peace and tranquillity of that country was the Roman Catholic priesthood. The exemplary character of

those laborious men, who constituted the Roman Catholic hierarchy, afforded the best security for the preservation of quietness in Ireland. Those praiseworthy individuals exhorted those who were placed under their care not to listen to the advice of factious and designing persons. They restrained them from evil; not merely by the fear of temporal punishment, but by those higher sanctions which belonged to their sacred character [hear, hear]. When on a former occasion he had expressed himself in a similar way, he did not think the statement would have been denied. It was, however, encountered by the hon. member for Derry (Mr. Dawson); and it greatly surprised him to find that hon. member led away himself, and endeavouring to lead away the House, by such weak and futile arguments on so serious a subject. He was astonished to see that hon. member lend himself to a contrary statement, founded, as it was, upon such weak evidence. It was not said that the Roman Catholic priesthood had encouraged the people to any act of outrage, or to any act of violence against the law. All that had been asserted was, that they had interfered in the business of elections, and that one of them had used expressions unbecoming, and most reprehensible. He would not, in noticing this point, take up the time of the House with the politics of the county of Waterford or the county of Cavan. The hon. member for Derry had read a number of affidavits the other night, in support of the opinion which he entertained of the conduct of the Roman Catholic clergy. Now, if the hon. member for Derry asked him, whether, in sincerity, he believed the matters contained in those affidavits, he would, on his oath, say that he did not. The hon. member for Derry had himself furnished sufficient evidence to raise serious doubts with respect to the statements which the affidavits presented, or at least to consider them as most grossly exaggerated. He thought better of the landlords of Ireland, than to suppose that they could be guilty, as had been set forth, of depriving their tenantry of the means of existence, of wresting from them their little comforts, because they had dared to exercise the sacred right of opinion. There might be instances—where peculiar exasperation prevailed, where strong passions operated—in which such a line of conduct had been pursued; but he believed that with respect to the landlords of Ireland in general, no such practice had prevailed. He must, however, say, that he could not condemn the priesthood of Ireland, when the law had mixed up politics and religion together, in directing the attention of their flocks to the principles of those who were likely to represent the country in parliament. Had they not a right to say to their parishioners, "Here is a man wishing to go into parliament, who will there vituperate you—who will describe you as an idolator—who will oppose your attainment of those rights which you justly claim. If you like him vote for him; but he is not a man who will do you the justice you require." Was there any thing in this against the law? Was there any thing contrary to moral feeling in such a warning? Was not patriotism a moral duty? Was it not inculcated, in all countries, as a noble virtue? Why, then, when intelligence and light were rapidly spreading over Ireland, should it not be inculcated there? When, in 1795, the system of forming a great body of forty-shilling freeholders was adopted, he foretold—though he pretended to no great prophetic skill—what the result would be. Those who, at that time, slighted the warning, were now reaping the bitter fruit of their own policy. Those who co-operated in that measure, now presented themselves to the House as objects of commiseration, because they suffered from what they had themselves done. Those yeomen, as they were called, who were created at the period to which he referred, those forty-shilling freeholders, were described as the safeguards of the constitution, so long as they were the property of the landlords [hear, hear]. That they were considered as mere property was perfectly evident. So clear was the hon. member for Derry on that point, that his only doubt resolved itself into this—whether they were legal or equitable property? Now he could not coincide either in the legal view, the religious view, the moral view, or the constitutional view, which the hon. member entertained on this point [hear].

The hon. member for Cavan (Mr. H. Maxwell) would excuse him, if, for a moment, he called the attention of the House to the charge which he had brought against the great body of the Roman Catholic clergy. The hon. member had, as an illustration of his argument stated, that he would select what had been written by

Dr. Doyle, under the signature of I. K. L. Now, the House, he hoped, would do him the justice to believe, that he condemned, as much as any man could condemn, some of the sentiments and expressions of I. K. L., as derogatory to the Established Church; and he was sorry that an individual, possessing so much learning and talent, as Dr. Doyle was admitted to be master of, should have used such language, and adopted such expressions, as he had done, in speaking of the establishment. The House would recollect the electrical effect which was produced, when the hon. member for Cavan stated, that Dr. Doyle had compared the Protestant religion to the superstition of the idolators who worshipped the idol of Juggernaut. Dr. Doyle, however, had not the merit of supplying either the language or the sentiment, whether it was good or censurable. The fact was I. K. L. found that memorable passage in a speech which appeared in a public newspaper. That speech was delivered by lord Farnham (as we understood) at a reformation meeting—a meeting, the object of which was to convert the great body of Roman Catholics by mild and gentle argument, without the least tincture of acrimony or violence. He was quite unable to do justice to this celebrated speech; but he would call the attention of the House to one passage of it, to show from whence I. K. L. borrowed the idea that had excited so much surprise. The speaker, after declaring "that Popery and Slavery were twin sisters," and introducing some other expressions equally applicable to both, went on to say,—"It is because I wish to behold my fellow-countrymen alike enjoying all the blessings of freedom, that I desired to see them liberated from a system, far more galling than that which would bow them down to worship before the idol of Juggernaut" [hear, hear]. Not only the sentiment, but the metaphor of I. K. L. was here embodied; and in a few words, an attack was made against the whole body of the Roman Catholic priests. It did not appear that any particular marks of approbation were bestowed upon the letter of I. K. L. by the Roman Catholics; but when the passage which he had just read was delivered, "it was received with loud cheers by the whole body assembled at the meeting" [hear, hear]. Ladies and gentlemen, clerics and laics, all burst forth into loud plaudits, which, of course, were received with much satisfaction by the noble lord, who was the "Peter the Hermit" of this crusade [a laugh]. Such was the manner in which it was attempted to disseminate the mild doctrines of Christianity; not by calm and sober reasoning, but by a sweeping attack on the alleged idolatry of the Roman Catholics. These were the means adopted for conciliating and converting the Roman Catholics, so that the question of Catholic emancipation should be lost, as the favourers of this new reformation stated, in the great and glorious triumph of general Protestantism. Was it, he demanded, in human nature—did it comport with the feelings of any body of men, who sincerely believed in the religious doctrines which they professed—patiently to bear such charges—tamely to sit down under such language as this? When they were thus vituperated—when their religion was thus reviled—were they to remain silent. Were they not justified in repelling the attack? When that unhandsome, that unseemly metaphor, was directed against their religion, had they not a right to use it in their turn? The letter of "I. K. L." was in fact, addressed to lord Farnham; and naturally enough, he recurred to that favourite expression, which, it appeared, was received with cheers by the whole assembly to which it was addressed [hear].

The hon. member for Derry had, the other night, made some observations, in which he seemed to hint, that he (Mr. Plunkett) was an enemy to the clergy, to the extension of education, and to the diffusion of mental light. There was no foundation for such an opinion. He was as great a friend to the progress of education and to the diffusion of light, as the hon. gentleman; but he did not think that this had any thing to do with that system of proselytism which had lately been introduced into Ireland. If it had not, then he would ask, how did the hon. member's argument affect him? He had said nothing against education—nothing against the promulgation of the Bible—but he certainly had spoken against a system of proselytism, which he conceived to be most mischievous. Therefore it was, that the hon. member had attacked him. He believed it had been most unjustly charged on the Roman Catholic priests, that they were unfriendly to the extension of knowledge. He, however, did not think that they were enemies to education,

nor to the use of the Bible. He believed that, in the course of the year, the whole of the Scripture was read in their places of worship; and he was informed that they had now in progress a book entirely composed of extracts from the New Testament, which they were willing to have used in those schools at which Roman Catholic and Protestant children were educated. He did not know whether the Protestant clergy would agree to this; but he sincerely hoped that they would. If, therefore, scriptural knowledge was not disseminated in those mixed schools, the fault could not be attributed to the Roman Catholic priesthood. He conceived that the hon. member for Derry had not treated him with the courtesy to which he was entitled, when, on the preceding evening, he accused him of having calumniated the Protestant clergy of Ireland. That he had, on many occasions, borne testimony to the excellent character of those gentlemen, the House must well know. He believed there was not a better set of men in existence. They discharged their duty with zeal and attention; and they need not, he was convinced, be ashamed to stand up in competition with the ministers of any church in Europe. The hon. member for Derry had asserted, that he accused the Protestant clergy with acting in the same manner as the Roman Catholic priests were asserted to have done, in the affidavits which the hon. member had read. He should be ashamed if he had made any such observation. On a former night, when the hon. member stated that the Roman Catholic priests took a part in politics, he had merely asked, whether the Protestant clergy did not sometimes do the same thing? And it should be observed, that at the time to which he referred, the affidavits in question had not been read. How, then, could he have asserted that the Protestant clergy did that which he believed the Roman Catholic priests did not do themselves?

He was now drawing to a conclusion. He had described to the House the state of the whole body of Roman Catholics, in the highers the middle, and the lower ranks of society; and the feelings by which they were actuated. This, however, was not the whole of the picture. It was only one half of it. What, he demanded, was the general feeling of the higher order of Protestants in Ireland? It was that of violent, he would not say altogether unjustifiable, indignation. That they bore a great degree of animosity against the Roman Catholics the House had proof sufficient before them. Indeed, he might justly say, that great fury and violence existed on both sides; and surely it was their duty to soothe that fury and to soften down that violence. Here were the Roman Catholics of Ireland, a great and respectable body, anxious to obtain civil rights, by quiet, orderly, and legal means. He deeply deplored that the conduct of agitators should, for a moment, throw any suspicion on their cause. And how stood the Protestants affected to their claims? A great body of them were desirous that the Roman Catholics should obtain the rights which they claimed. Some wished it from a feeling of justice; and many were anxious that those privileges should be conceded, as the only method by which security, tranquillity, and prosperity could be established on a permanent footing in Ireland. There was, he knew, a great body of Protestants who were willing to accede and to submit to such a measure, if the wisdom of that House would agree to it. He would pledge himself to the fact, that if the salutary measures which were within their reach, in 1825, had been carried into effect, there would not, at this day, have been a murmur heard amongst the Protestants, nor would there have existed amongst the Roman Catholics, a particle of discontent or bad feeling. He could, without going far from the place in which he stood, point out men who were now the opponents of emancipation, but who, at that time, would have been ready to give their support to that measure, had the government suffered it to proceed.

It was, he contended, neither good taste nor good argument to call this a mere Catholic question. It was a Protestant question. It was a national question. It was emphatically, an imperial question, in which the public safety, and the public prosperity, were essentially concerned. He knew it not as a question of party. He knew of no party but his country; and he would act under no colours but those of truth, freedom, and justice. He was not surprised at gentlemen being disgusted with the conduct of certain agitators in Ireland; but that should be considered as one of the afflictions produced by the system which had been adopted in that country; and the true way to cure the evil, was by

an alteration of that system. The proper way to disarm them of their power was to take away from their standard every honest man in the country; to inflict on them perpetual peace; and to annihilate their influence by disseminating universal satisfaction. He implored the House to reflect again and again on what the situation of Ireland now was, and to remember that that situation had grown out of the present question. The advocates for emancipation had pointed out a remedy for these grievances; and they called on their opponents, if they refused it, to state their alternative. No such alternative had been distinctly proposed, though several had been obscurely hinted at. One was the effecting a reformation; but, if the great truths of Christianity were to be daily brought into question; if the differences between the two religions were to be discussed before assemblies of ladies and gentlemen, he thought that the cause of the Established Church would not be much advanced by such a course of proceeding. Besides, if it should be resolved to allay the dissensions in Ireland by a reformation, it might be as well, for fear of accidents, that the parties who should be employed in bringing it about, should be backed by English troopers. This would be following the example of Henry 8th, who occasionally condescended to reason with his subjects; but if any were so hardy as not to be convinced by his arguments, he took a speedy way of silencing their opposition, by hanging them up without ceremony; and certainly this plan had one advantage, which was this—that those whom he had once refuted in this manner, never stood up again in argument against him. In conclusion, it ought to be the policy of England to render the people of Ireland friendly and well disposed towards her, in order that she might be able to avail herself of their assistance in the hour of need. The British constitution was declared to be the envy of surrounding nations. Let it not then be said of the people, that they were a disunited people, but on the contrary, that they were bound together by one common tie of affection and interest [loud cheers].

Mr. Secretary *Peel* rose. If he were, he said, to consult merely his own personal convenience, it would incline him to assent to the proposition of the hon. baronet, for what prospect of personal advantage could he have in maintaining the opinions which he had hitherto maintained, whereas it was quite painful and nauseating to have to tax one's memory and ingenuity in the devising of novel arguments on a subject which had been already so often discussed and exhausted. Had he, like his noble friend (lord Elliot) who had spoken that evening, seen reason to retract the vote he had heretofore given on this question, he would not have hesitated to do so; indeed, he respected that noble lord for the candour of his conduct; but, as his own opinion still remained unchanged, he would not shrink from his duty, or refrain from expressing his sentiments, whether they met with the concurrence of the House or not. He had hoped to have been relieved from every thing of a personal nature: but he thought it necessary to state that, he would not shrink from what he had said when this question was discussed in 1825, and which was as follows—that if he could be satisfied that any of the political privileges which were withheld from the Roman Catholics of Ireland were withheld in violation of the treaty of Limerick, it would very materially influence his judgment in deciding on the present question; but, after having examined into this matter with the greatest attention, he felt a more perfect conviction that that treaty afforded the Catholics no claims for having the disabilities removed. After the pledge he had given, he did not see how he could avoid stating to the House the reasons which induced him to maintain his opinion. There were various articles in the treaty of Limerick. He was ready to admit that the first of these articles related to the Roman Catholics of Ireland; and he was desirous of premising this much in the beginning, lest he should be suspected of a wish to keep it from the view of the House, in calling, as he now did, its attention to the second article of that treaty. This article was as follows:—

"All the inhabitants or residents of Limerick, or any other garrison now in the possession of the Irish, and all officers and soldiers now in arms under any commission of king James, or those authorised by him to grant the same, in the several counties of Limerick, Clare, Kerry, Cork, and Mayo, or any of them; and all the commissioned officers in their majesties' quarters that belong to the Irish regiments now in being, that are treated with, and who are not prisoners of war, or have

taken protection, and who shall return and submit to their majesties' obedience, and their own and every of their heirs, shall hold, possess, and enjoy all and every of their estates of freehold inheritance; and all the rights, titles, and interests, privileges, and immunities which they and every or any of them hold, enjoy, or were rightfully and lawfully intitled to in the reign of king Charles 2nd, or any time since, by the laws and statutes that were in force in the said reign of king Charles 2nd, and shall be put in possession, by order of the government, of such of them as are in the king's hands, or the hands of his tenants, without being put to any suit or trouble therein, and all such estates shall be freed and discharged from all arrears of crown-rent, quit-rent, and other public charges incurred, and become due since Michaelmas, sixteen hundred and eighty eight, to the day of the date hereof. And all persons comprehended in this article shall have, hold, and enjoy, all their goods and chattels, real and personal, to them or any of them belonging and remaining, either in their own hands, or the hands of any persons whatever, in trust for, or for the use of them, or any of them. And all and every the said persons, of what profession, trade, or calling, soever they be, shall and may use, exercise, and practise their several and respective profession, trade, or callings as freely as they did use, exercise, and enjoy the same in the reign of king Charles the 2nd; provided that nothing in this article contained be construed to extend to or restore any forfeited person now out of the kingdom, except what are hereafter comprised.—Provided also, that no person whatsoever shall have or enjoy the benefit of this article that shall neglect or refuse to take the oaths of allegiance, made by act of parliament in England, in the first year of the reign of their present majesties, when thereunto required."

Now, what he contended for was this, that throughout the treaty, political privileges were never in the contemplation of either party; that it was intended that the Catholics should enjoy the exercise of their religion "free from disturbance," and that that "freedom from disturbance" by no means imported such disturbance or detriment as might follow from exclusion from parliament and from offices of power and trust. The treaty solely guaranteed the free exercise of their religion to Catholics, such as they enjoyed it in the time of Charles 2nd. Now, let the House advert to the construction of the terms of the treaty. What did the words "freedom from disturbance in the exercise of their religion" by the Roman Catholics mean? The House would find those terms constantly employed by contemporary writers—by Clarendon, and even by the Catholics themselves—as amounting to nothing more than a toleration of their religion, and a security in the free exercise of it. Let him take, first of all, the interpretation of king William himself. In the letter of his majesty respecting his Irish subjects he said, that he merely granted them the undisturbed exercise of their religion, but no political privileges. More than this ought not, he said, to be asked by the Catholics, since they would be free from all disturbance. He said that he would not admit them to parliament or to office: all that he would do would be to preserve to them the exercise of their religion. "With this," his majesty continued, "the Catholics ought to be satisfied; they ought not to ask more, and he never," he said, "could comprehend how it was that men calling themselves Christians could think of disturbing the quiet of the state." Such was the language employed by king William—a language, at least, that afforded a clue to what the understanding of one party was with respect to the meaning of the treaty. "You shall have," said king William, "the exercise of your religion without disturbance." This was the amount of the article in favour of the Catholics. The interpretation of it depended on the way in which it was understood and received at the time it was promulgated. Let the House recollect, that the treaty was signed on the 3rd of October, 1691. The parliament of England sat on the 22nd of the same month; and then it was contended, that Catholics had the right of being admitted to political privileges. But, what did the parliament do? They passed an act applying the oath of Supremacy to those who should sit in the Irish parliament. He knew it had been a question raised, in after times, that England had no right to make an act binding Ireland. But, however that might be, the fact of the oath having been appointed by act of parliament fully proved that such an act was not inconsistent with what was generally understood to be the true intent of the treaty of Limerick. The act having

passed was received in Ireland, and acted upon there for one hundred years afterwards. He would now take the liberty of defending the Whigs of 1691. Sir John Somers was, he believed, the solicitor-general, Treby the Attorney-general, and lord Godolphin the lord high Treasurer. Was it credible that king William, after he had given his general in Ireland permission to stipulate with the Catholics for political privileges, that lord Godolphin and sir John Somers would have ventured to propose or sanction a measure which was in direct violation of the terms of a solemn treaty? Was it to be believed that an act so gross could have been perpetrated by such men? The House would recollect, that king William did not ratify the treaty of Limerick until the year following, 1692. The ratification bore date the 24th of February of that year—one month after the passing of the act requiring the oath of Supremacy to be taken by every member of parliament. Now, if the act of parliament and the treaty were inconsistent with each other, was it possible that king William, after sanctioning the one could have had the baseness, in the face of the country, to sanction the other? The notion was incredible. So much, then, for Whig authority. But what did the Whig historian say relative to this treaty? What was bishop Burnet's testimony as to the meaning of the articles? That historian was acquainted with the circumstances of Ireland—with the capitulation and the treaty of Limerick. His statement was to this effect. "And thus ended the war of Ireland; and with that our civil war came to a final end. The articles of capitulation were punctually executed, and some doubts that arose out of some ambiguous words were explained in favour of the Irish." Thus, then, he had referred to the explanations of the articles as they were understood by king William himself; as they had been understood next by the legislature; and, lastly, as they had been understood by the Whig historian of the time; and he thought he had shown good reason for withholding his assent to the proposition of the hon. baronet, which was founded on the allegation, that the Catholics were entitled to political privileges under the meaning of the treaty of Limerick.

He begged pardon of the House for having detained them so long on this part of the subject, but having been, in some measure, compelled to enter upon it, he was not willing to let it pass without an endeavour to convince the House, that his opinions and inferences, with respect to the meaning of the treaty, were not formed without deliberation. He confessed that the proposition now before the House, and the circumstances under which his assent was required to it, were such as very considerably to increase his indisposition to receive it, and to excite his apprehensions if it should succeed. When he heard the hon. baronet state, that there was little or no difference between placing a man on the faggot, and imposing political disabilities on him; and when his right hon. and learned friend the Attorney-general for Ireland, stated that they durst not subject Englishmen to these disqualifications, for that Englishmen would rise up against the attempt—that they would be justified in doing so—and that they would not be worthy of the name of Englishmen, if they did not; and when he heard, moreover, the names of Pitt and Burke invoked to give a stamp to such monstrous, such abominable doctrines, what could he think of the hon. gentleman who said this, when he recollected, that Englishmen, who were Catholics, had borne with these disabilities? Had the hon. baronet read the speeches of Mr. Pitt and of Mr. Burke, in the year 1790, upon the proposed repeal of the Test and Corporation acts? Mr. Burke said, that twice before, his assent had been asked to this repeal, and that he grounded his refusal principally upon a reference to the doctrines upheld by Dr. Priestley, and others of his persuasion. Mr. Pitt also repudiated their doctrines in still stronger terms, and opposed the bill by all the means in his power. When, at a later period, Mr. Pitt had supported the Catholic claims, he supported them on very different grounds to those now stated by the hon. baronet, and the right hon. the Attorney-general for Ireland. What was the language used by Mr. Pitt in 1805?—After he had come to that conclusion in favour of the Roman Catholics on which so much stress was now laid—a conclusion, he must think, come to unfortunately, but founded on very different grounds from those on which it was now proposed to admit the Catholics to political power. In 1805, Mr. Pitt, after declaring, "that he would not, under any circumstances, or under any possible situation of

affairs, consent that it should be discussed or entertained as a question of right," went on to say, "I, Sir, have never been one of those who have ever held that the term Emancipation is in the smallest degree applicable to the repeal of the few remaining penal statutes to which the Catholics are liable." So that he not only took a very different view of the grounds on which he would proceed, but he disclaimed the very name adopted by those who now quoted him as an authority. "With regard," Mr. Pitt added, "to the admission of the Catholics to the elective franchise, or to any of those posts and offices which have been alluded to, I view all those points as distinctions to be given, not for the sake of the person and the individual who is to possess them, but for the sake of the public, for whose benefit they were created, and for whose advantage they are to be exercised. We are bound to consider not merely what is desired by a part, but what is advantageous for the whole. Nor can I shut my eyes to the fact, that the Catholic must feel anxious to advance his religion: it was natural that he should do so." These were Mr. Pitt's principles; and it was on these grounds, that he (Mr. Peel) had always opposed what was termed Catholic emancipation. He did not do this out of any hostile feeling towards the Catholics: he wished from his heart that he could conscientiously vote for the removal of the disabilities, and come to the same conclusion to which that most honoured and respected man had come; but, for the reasons which had been stated by that great man, he could not do so, and he was compelled to say, that he preferred a system of exclusion to one of security.—He would now state the grounds on which he did *not* resist this resolution. His right hon friend had done him no more than justice in representing that he had never resisted it on account of any clamour that might be raised against it out of doors. If he thought that clamour unfounded, he would be the last man to pay the least attention to it. He had no notion of the prejudices of the people overruling the deliberation of the legislature. The parliament was better able to form a just opinion upon questions of this nature, than the uninformed; and, whatever might be the opposition which parliament might experience, it was still bound to set an example of justice and wisdom; and that being done, he was sure the people would soon coincide in their decision. He could safely say, that he had never, directly or indirectly, encouraged the presentation of a single petition connected with this subject. He approached the discussion of this question without reference to petitions on either side; for he thought it the duty of parliament to look at it as one of general policy, to be determined on its proper grounds, without reference to feelings or opinions. His right hon. friend, the Master of the Rolls, had, he thought, not been fairly dealt with by the Attorney-general for Ireland. His right hon. friend, as he understood him, had referred to past history for this purpose alone—that as the Protestants had been charged with bigotry in enacting the measures of safety against the Catholics, it became necessary to refer to history, in order to show under what circumstances those measures were taken—what were the justifications—and how far they were, in effect, measures of retaliation on the Catholics. He would own, fairly and candidly, that he entertained a distrust of the Roman Catholic religion. He objected not to the faith of the Catholics; he had the highest respect for them: in private life he had never made any distinction between persons on account of their religion: it was a matter of utter indifference to him whether or not a party professed the doctrine of transubstantiation; but if there were superadded to that doctrine a scheme of worldly policy of a marked character, he had a right to inquire into its nature, and observe its effects on mankind. Could any man acquainted with the state of the world doubt for a moment that there was engrafted on the Catholic religion something more than a scheme for promoting mere religion? that there was in view the furtherance of a means by which man could acquire authority over man? Could he know what the doctrine of absolution, of confession, of indulgences was, without a suspicion that those doctrines were maintained for the purpose of establishing the power of man over the minds and hearts of men? What was it to him what the source of the power was called, if practically it operated as such? And, as to religion being a matter that ought to be exalted above human confidence, he could only say, that the very circumstance of its authority being so high, was a reason why we should dread its application, or rather

abuse, to purposes that should be unconnected with it. When he looked to the Bull which he held in his hand, of Pope Pius the Seventh—[Here the right hon. gentleman observed some hon. member laugh].- The hon. gentleman might laugh, but he miscalculated very much if he supposed that a document like this would have no effect on three or four millions of superstitious people. Yes! it would influence them; and he had a lurking suspicion in his mind, that the document was intended to uphold the authority of the Church. He found that, in 1807, this—he would not call it a Bull, lest he should offend the hon. gentleman, but a proclamation—this proclamation, then, which he held in his hand, addressed by Pope Pius 7th, in 1807, to the Catholics of Ireland, granted an indulgence of three hundred days from the pains of purgatory, to those who should devoutly recite, at stated times, three short ejaculations, of which the following is the first: "Jesus, Maria, Joseph, I offer to you my ardent soul." The other two ejaculations began with the same sort of invocation. When he saw such a mockery of all religion as this was resorted to in order to prop up the authority of man over man—when he saw such absurdity as this addressed to rational Catholics, and received by rational Catholics, and published amongst an illiterate and superstitious populace—it was in vain to tell him, that such things could be ineffective. His right hon. friend, the Attorney-general for Ireland, might, if he pleased, decry the reformation now going on in Ireland, and turn into ridicule those who encouraged it. But, whilst the privilege of free discussion was allowed by the law, nothing, he might depend upon it—no ridicule, would prevent really pious persons from doing all in their power to counteract and undermine such influence as was attempted to be exercised over the minds of the multitude by the means to which he had alluded. He was not one of those who would defend any attempt to overthrow, or even to turn into ridicule, those persons who were appointed pastors of the people, let them be Roman Catholics or of any other persuasion. He would disdain any participation in acts of that kind; but to a fair and honest endeavour to bring others to embrace what was conceived to be a purer system of faith, he thought no reasonable objection could be entertained. His right hon. friend had affected to treat lightly the indications of reformation in Cavan; but, in the words of lord Bacon, "a straw thrown up sufficeth to show which way the wind blows." A spirit of inquiry had gone forth on the subject of the Catholic religion. His right hon. friend might depend upon it, that the political discussions in the Catholic Association had re-acted on the population of Ireland. A system of fair and temperate discussion on religious matters had arisen, and was producing a beneficial effect; and he much doubted whether Dr. Doyle would carry into execution the threat which he had held out, of entering into polemical discussion with the Protestants. As he had before said, he disdained all connexion with persons who would attempt to bring into discredit individuals in the exercise of spiritual functions. He wished to give offence to no man; and would, in order to avoid augmenting the irritation which already existed, purposely avoid any particular allusion to the speeches or proceedings of the Catholic Association. He had no objection to the individuals professing the Catholic religion as individuals. He quarrelled not with their religious tenets as a system of faith; but he was jealous of the political system which was ingrafted on those tenets; and he thought he had a perfect right, on the present occasion, to consider what had been the influence of that political system in different countries. He did not desire to consider this point as he found it illustrated in ancient councils, or in times when bigotry and superstition were prevalent throughout the world; but he would view the effect of the Catholic religion as it existed in the present day in various countries;—in some, where it luxuriated in undisputed growth; in some, where it was only struggling for supremacy; and in others where it was subordinate to another and a purer system. Under these different aspects he had contemplated the Catholic religion, and the result of his observation and investigation was, that it was expedient to maintain in this kingdom the mild, mitigated, and temperate, predominance of the Protestant church. He recollected that, some years ago, it was usual to talk of the influence of the Catholic religion on the political condition of mankind as a thing impossible to take place in the present day. The intolerant spirit of that religion was described as a volcano which had

burnt out, and the ravages of which were to be looked for in past ages. He well remembered a speech of the late Mr. Whitbread, in which that gentleman ridiculed the apprehensions which were entertained, of religious feelings influencing political measures. To illustrate his position Mr. Whitbread took the case of France. "Look," said he, "at Buonaparte: do you think that he is inclined to promote religion?—do you fear the Pope whilst he is under his influence?—are you afraid of the establishment of the Jesuits in France? You have more occasion to feel alarm at the spread of atheism and infidelity in that country." If any body had told Mr. Whitbread, that fifteen years from the time at which he uttered those words, religion would exercise an important influence on the political affairs of France, he would have treated the assertion as a wild chimera—a rhapsody even more absurd than the much-ridiculed reformation in Cavanshire. He contended, then, that in the discussion of this question, the consideration of the influence which the Catholic religion exercised on political affairs ought not to be lost sight of. It was the natural desire of every man to promote the religious faith to which he was sincerely attached. If Roman Catholics were admitted to parliament, what could be more natural or just on their parts, than to attempt—and who could restrain them?—to improve the condition of their religious system—to extend its influence in this country—and to bring it into closer connexion with the government?

When his right hon. friend spoke of the removal of the present disabilities as being the consummation of the hopes and wishes of the Catholics, he thought he was saying more than he could answer for. In his opinion, the consequence of the admission of Catholics to parliament would be, to bring the Catholic and Protestant religions into collision, in such a way as might lead to the destruction of the latter; and he confessed that he considered the disorders and confusion which must prevail for ages during the conflict, before that event could take place, as a greater evil than even that event itself. His right hon. friend had stated, that the Roman Catholics were perfectly satisfied with the measure which he had proposed in a former year. Now, he had read a declaration, published since that measure was discussed, from several of the most esteemed and respected members of the Catholic body, and in that document he could not find the evidence of that entire satisfaction which his right hon. friend had spoken of. The declaration to which he alluded was published in 1826, and was an address from the British Roman Catholics to their Protestant fellow-subjects. The address was drawn up in a very temperate and proper manner, and calculated in every respect to conciliate; but, at the same time, it excited an apprehension in his mind, that the removal of the disabilities now complained of was not the final consummation—the end—of the wishes of the Catholics. The address contained the following passage:—"We entreat you to endeavour to divest your minds of preconceived impressions to our disadvantage, and calmly to examine the situation in which we stand. In a country boasting of peculiar liberality, we suffer severe privations because we differ from you in religious belief. The remaining penalties—neither few nor trivial—of a penal code of unparalleled severity, still press upon us: a Catholic Peer cannot sit and vote in the House of Peers, and is thus deprived of his most valuable birthright; a Catholic Commoner cannot sit and vote in the House of Commons; a Catholic Freeholder may be prevented from voting at elections for members; a Catholic cannot sit in the Privy Council, or be a Minister of the Crown; he cannot be a judge, or hold any Crown office in any of the spiritual, equity, or common law courts; he may practice at the bar, but he cannot become a King's counsel; he cannot hold any office in any of the corporations; he cannot graduate at either of the two universities, much less enjoy any of the numerous beneficial offices connected with them, although both of those seats of learning were founded by Catholics; he cannot marry either a Protestant or a Catholic, unless the ceremony be performed by a Protestant clergyman; he cannot settle real or personal property for the use of his church, or of Catholic schools, or for any other purposes of the Catholic religion; he cannot vote at vestries, or present to a living in the church, though both of those rights seem to appertain to the enjoyment of property, and may be actually exercised by infidels."

Now, many of the disabilities here complained of were proposed to be continued

by the bill which his right hon. friend said the Catholics were perfectly satisfied with. He recollected that, in that measure, a special exception was made with regard to the right of holding the offices alluded to in the extract which he had read, and that of presentation to livings. Those were just objects of reasonable ambition to Catholics; and if Catholics had seats in parliament, there could be no doubt that they would confederate to attain them. He had no doubt that Roman Catholics would occasionally be found voting with opposition or with government, alternately; but when any question occurred which related to their church, he had also no doubt that they would be found united together as the East Indians and West Indians did, on any discussion on the subject of the removal or imposition of a tax on sugar, and would, by nice balancing between parties, be able to exercise considerable power, although their numbers as compared with Protestant members, should be exceedingly limited. He firmly believed that it was intended to guard against any such influence at the period of the Revolution. He firmly believed that king William, and the great men who advised him, had it in view to prevent the exercise of the Catholic religion in the way to which he had just adverted. It was not for their attachment to the House of Stuart that disabilities were imposed on the Catholics. The grounds of that proceeding were clearly stated in king William's letter, to which he had previously directed the attention of the House, where that monarch said, that he was willing to afford the Catholics every advantage for the free exercise of their religion, but he could not consent to admit them into parliament, or into the offices which constituted the executive government; because he believed that they would exercise an influence to promote their own purposes. It was then determined, that the Crown should be Protestant; but that object was not deemed completely secured, until the great offices of state were also rendered Protestant. It was on that side that danger was apprehended. It was thought that the Protestant ascendancy might be endangered by the influence of personal character in the case of an adviser of the Crown. That influence which assumed the garb of conscience was of all others the most dangerous. Prevailed upon by his ministers, the monarch might say that "he was convinced by the arguments which he had heard on the subject, that there was no longer any reason for maintaining a distinction between the Protestant and the Catholic church."

He now approached the most important and the most painful part of the subject: he meant its bearing on the state of Ireland. Believing, as he did, that the admission of Catholics to parliament and to offices of state, would endanger the constitution, yet he did not hesitate to say, that if he were satisfied that such a measure would have the effect which was anticipated from it by some persons—that it would restore peace and tranquillity to Ireland—he would sacrifice his apprehensions of the ultimate result to the attainment of the immense present benefit. If he could be convinced that that one thing would, as an hon. member had said, conduct Ireland to the Elysian fields, or that it was, according to another hon. member, the only road to salvation for that country, he would not scruple, if he could not subdue his apprehensions, at least to make them subordinate to so happy a result. He could not, however, make up his mind to believe, that the removal of the disabilities which pressed upon the Catholics of Ireland would produce any such consummation. The hon. member for Armagh, speaking on this subject, had said, that "we were now on the ridge of a hill," and asked "whether we should not ascend to the top?" For his part, if he were sure that what the hon. member pointed out as the top was really the top, and that when they had attained that point they would not behold another horizon, he would accompany him in his ascent. The example of other countries, and of Scotland among the rest, had been referred to, and it was said, that the same effects which had taken place in Scotland would result in Ireland, if the same measures w[e]r[e] adopted. His answer to that was, that the advocates of the Catholics did not intend to pursue the same measures. Scotland was not a case in point. If the friends of the Catholics should propose to make the religion of the great majority the religion of the state, to transfer the emoluments of the Protestant church to the Catholics, and to open to them all the great offices of the state, he could understand that; but if they proposed to

maintain the Protestant church establishment as the religion of the state, then he would say, that there would still exist a barrier between the Roman Catholic and the attainment of his wishes, and that he would not have arrived at the top of the hill [hear, hear!]. Did the advocates of the Catholics, when they had succeeded in placing the Catholics and Protestants on an equality in point of law, intend to admit them to an equality of power; and if they did, could they imagine that Catholics would be found as efficient servants, to administer the affairs of a Protestant state as Protestants were? If it was intended merely to remove from the Catholic the exclusion by law, and to give him a nominal eligibility to enjoy political privileges, which in practice he would be debarred from, the exclusion would then be the more galling, inasmuch as it would seem to be the result of personal considerations, and not of legal disqualification; and under such a state of things, he was convinced that the agitation which would prevail in Ireland on the occasion of elections and other opportunities for the display of public feeling, would be quite as great as that which was at present experienced. How many were the objects which would still remain to be attained by the Catholics! How would it be possible hereafter to deny the propriety of Catholic priests exercising their spiritual authority for temporal purposes? His right hon. friend had vindicated the Catholic priests for exciting what he called the patriotism of the Irish freeholders. Would not the priests hereafter be the judges of what constituted patriotism? Might not the priests, after the proposed measure of relief was granted, claim to be the best judges of what was patriotic and for the best interests of their church? If the exercise of their spiritual authority in political matters was vindicated now, how could it be denied in future? Could any comparison be drawn between the exercise of spiritual power by the Catholic priests in Ireland during the late elections, and that by Protestant clergymen? Instances might be found, he did not mean to vindicate them, of Protestant clergymen busying themselves too much in election affairs. He would never, directly or indirectly, encourage such proceedings. But he would ask, if any Protestant clergyman had been found, in any county of England, for any object which he might deem of importance, to attempt to dissolve the bond which subsisted between landlord and tenant—a bond, he maintained, not of subserviency, but of generous attachment for kind offices—by saying, "you must fly in the face of your landlord, and vote as we direct you, for the sake of the Protestant establishment in church and state"—when would there have been an end of the just indignation which would be excited in that House at such indecent conduct? He knew not precisely the extent to which the interference of the Catholic priests had been carried during the late elections in Ireland; but he believed that it had prevailed to a degree which was utterly unjustifiable, and which it would be dangerous to vindicate; because that vindication could not at present be advanced on any ground which would not apply to the future.

Having touched upon this point, he would now proceed to examine whether the Catholic prelates merited all the eulogiums which had been bestowed on them by his right hon. friend, the Attorney-general for Ireland. He entertained great respect for the office of those reverend persons: and he could assure the House, that he had no wish to inquire minutely into their conduct; but, when his right hon. friend had, on a former night, thought proper to have their petition read at length, to pass the highest encomiums upon them, and to require the House to place implicit confidence in their declarations, he might be excused for inquiring whether their acts were consistent with their professions. His right hon. friend not only said, that the Roman Catholic prelates had exerted themselves for the maintenance of the public peace, but he positively declared that the public tranquillity of Ireland at that moment depended on them. Now, before he could join in giving those persons such extravagant praise, or concur in attributing to them such extraordinary results, he would ask his right hon. friend one question. His right hon, friend had denounced in the severest terms, the conduct of certain agitators and demagogues. He did not, he said, know exactly what the object of those persons was: he doubted whether they intended to drive the people into actual rebellion, but he was certain, that at least they intended to infuriate and exasperate them, in order to intimidate this country into a concession.

If that was the case—if such was the conduct of those demagogues—he would ask his right hon. friend, whether the Roman Catholic prelates, to whom the tranquillity of Ireland was said to be owing, had published any declaration against them? Had the Catholic prelates, when they found that the Association was continued, contrary to the predictions of the advocates of the Catholics, who said there would be nothing but submission to the laws—had they, he asked, discouraged the proceedings of that body? He took the character of the Catholic Association from his right hon. friend, and from other Irish members; and if that character was correct, he could not join in the praises which were lavished upon the Catholic prelates. Were any of the prelates who subscribed to the petition members of the Association? He was forced to enter upon this examination, because his right hon. friend required him to place confidence in the declarations of the prelates, and besides attributed to them the tranquillity of Ireland. It was not to be endured that an appeal should at once be made to the generosity and to the fears of the English people. On the one hand they were told, that the Catholic prelates had done every thing in their power to promote peace in Ireland—and of course discouraged the Association which had flown in the face of parliament—and on the other, that the whole Irish nation, from the peer and the priest to the lowest peasant, were banded together and determined to obtain emancipation. Now, he found that, out of the number of prelates who had signed the petition, eleven were at that moment members of the Catholic Association. He would not have mentioned this circumstance, had it not been forced on his attention, in the course of his inquiries into the justice of the exclusive pretensions put forward in behalf of the Catholic prelates. It would, in future, be as well that those eminent persons should, whilst they were signing petitions which expressed their entire respect for the legislature, and above all for the church establishment, abstain from making themselves parties, at the same time, to declarations which were utterly inconsistent with those professions. Some papers couched in terms of extraordinary asperity had been put forth by Dr. Doyle. It was said, in excuse for him, that those papers were controversial. It mattered not. If he did not avow the statements contained in his letters, it was unworthy of a bishop to utter them; and if he did avow them, then they were utterly inconsistent with the declarations of the petition. On this point he was perfectly satisfied that nothing would have such an effect on the people of England, as fair dealing on the part of the Catholics. They expected from them an open declaration of what their sentiments were, either on political matters, or on religion. He was at a loss to know what to say with respect to the opposite declarations of the Roman Catholic prelates; but there was something in them extremely painful to his feelings.

His right hon. friend had blamed the hon. member for Derry, for not taking the declaration of the Roman Catholics themselves, as to what their tenets were; and had told him that he had no right to ransack the history of past ages to discover them. But when the Catholics were so inconsistent in their declarations, was it surprising that some distrust should be entertained on the subject? He admitted that the acts and declarations of individuals were not to be charged or visited upon a whole body like that of the Catholics; but there were circumstances under which the acts of individuals could not be passed over. It was in vain to say that gentlemen need not refer to the conduct of Dr. Doyle, or Dr. Curtis, or to that of any other person, standing in the position in which these parties stood with respect to the Catholics of Ireland: their declarations were not only fit matter to be referred to, but became of some importance. The hon. member for Drogheda (Mr. Van Homrigh) had borne testimony to the general character of Dr. Curtis, and to the severity with which that gentleman had expressed himself against the proceedings and temper of the Catholic Association. The reverend gentleman had declared, that he disapproved of the Catholic Association; that he entertained the highest respect for his late royal highness the duke of York, with other assurances to a similar effect; and thereupon he had proceeded to utter to the hon. member for Drogheda two long Latin quotations. These profoundly couched speeches were of about the length of half a page each; and he would not trouble the House by repeating them: but if Dr. Curtis really intended to vindicate his countrymen from having assented generally, or taken part in the abominable

reflections which from one quarter in Ireland had been cast upon that exalted and lamented individual, would it not have been easier, and readier, and more intelligible, if he was sincere in this object, to have declared his meaning plainly and simply in the vulgar tongue, than to have whispered his dissent to the hon. member in the shape of a Latin quotation?

But he could not leave the subject of the acts of individuals here. He did think that their conduct at least, went for something, in judging of the feelings and dispositions of the persons whom they represented; and he would, therefore, very shortly notice a document upon which great stress had recently been laid. He alluded to the petition which had been presented to the House from the Roman Catholic bishops generally of Ireland. The very first objection which he would always take to the conduct of any individual or any party was, where it evinced any want of manly candour or sincerity. Now, the petition of the Roman Catholic bishops of Ireland referred the House to a document published a few mouths since by the same body, under the title of "The Declaration of the Catholic bishops of Ireland," and which they now stated to the House, they had framed in the simplicity of their hearts, in order to enlighten the public as to the truth of some of those ordinances of their church which, as they believed, were most generally misunderstood and misconstrued. This Declaration had been published only as lately as in the last year. This was the very paper of all others to which men would be inclined to look for a sound and complete exposition of the doctrines of the Catholic faith. And when he (Mr. Peel) had taken up that Declaration, and found it set out—"That the Catholics, in common with all Christians, received and respected the entire of the Ten Commandments, as they were found in Exodus and Deuteronomy, and that the discordance between the Catholic and Protestant ritual upon this subject arose merely from a different manner of arranging, &c."—when he read this, he had really been of opinion that he had lived in error. He believed, almost of course, that which he saw before him. He had heard, undoubtedly, that the Catholics rejected the second commandment, and excluded it from their catechism; but he could not question that which competent persons now declared, in the simplicity of their hearts, to be the truth; and, for a moment, he had believed that the report was an error. Now, how did the thing turn out upon examination? On taking into his hand the catechism of the Catholics—this it was that he did complain of—it was bette rfor all parties—better for the Catholics themselves—he said this in no hostility to them, and he was sure that it was what the right hon. gentleman near him would say too—it was better that they should come forward fairly and honestly and state what was the fact, let it be which way it might:—he took up a Catholic catechism; it was a catechism authorized by Dr. Milner, and approved by the four Catholic archbishops of Ireland: it was the twenty-fifth edition, "carefully corrected and published by Mr. R. Coyne," the publisher of the Maynooth College and of the Catholic Association—so that it was an authority beyond all cavil; and, when he turned to the page that contained the commandments in this catechism—merely to be convinced of the error under which he had laboured so long—he found the first commandment given—"I am the Lord, thy God,"—and the second commandment was —"Thou shalt not take the name of the lord thy God in vain" [hear, hear]. It was true, however, that there were ten commandments in all; for one was divided into two, to make up for the second, which was omitted: the ninth was—"Thou shalt not covet thy neighbour s wife;" and the tenth was—"Thou shalt not covet thy neighbour's goods, &c. nor any thing that is his." Now, it was better to say nothing at all than to say this. He made it no matter of accusation against the Roman Catholic clergy that they chose to exclude any part of the catechism from their ritual. He said nothing at all about their belief or disbelief of the second commandment: let them reject it if they would; but do not let them come down, and state in the "simplicity of their hearts," that to the House and to the public of England, which it was difficult not to perceive was not borne out by fact.

He could not bind himself to take the question of emancipation as it was attempted to be put by some of the leaders of the Catholic party in Ireland. "This is our remedy to put an end to discord and dissention; if you will not accept it, tell us what else we shall do?" He did not feel himself called upon to take that demand in the

way in which it was offered. He would do every thing that lay in his power—attempt every course that promised any thing like success—to put a stop to the dissentions which distracted Ireland; but in his conscience he believed, that the course which was called Emancipation would be attended by the very contrary of any such result. He believed that, if the House of Commons once consented to admit Catholics within its walls, the only effect would be that of increased discord and dissention; it would lead to fresh interference in every case of election between the Protestant landlord and his Catholic tenant; and to an invariable struggle, upon such occasions, in every county of Ireland in which a contest could be raised. The system upon which he had been contented to act, and on which he was still content to act, with reference to Ireland, was this—he had been ready—desirous—he did not say too much if he said anxious—to enter, at all times, into any alleged abuse; and to be satisfied that amongst the Irish laity, without respect to creed or condition, justice and law were impartially administered. Whatever might be his zeal, or imputed zeal, for the Established Church, that feeling, he trusted, had never biassed him, when the interests of Ireland were at stake. His reverence for the Established Church in Ireland, and its institutions, had not prevented him from devoting night after night, to give effect to the late bill for the regulation of Irish tithes, when he thought that measure really calculated to benefit the people. Whenever an actual wrong or evil existed, no man could agree more readily than he did, that it ought at once to be removed. If it could be shown even, that by any one of the existing disabilities, real injustice or injury was inflicted upon the Catholics, he should be inclined to look at the removal of that disability with a very different eye from that with which he now contemplated the removal of the whole. Of this he was at least sensible—that, whatever his measures had been with reference to Ireland and Irish interests, they had been conceived in the desire, and executed with the intention, of fairness. He knew that there were persons who denied him even this meed of justice. It was part of his painful duty to read the discussions sometimes of that body which called itself the Catholic Association; and he there saw himself attacked with bitter and personal abuse; perhaps occasionally by some individuals from whom he might have looked for a different treatment. He made no complaint of these attacks—he begged not to be suspected of making any complaint; and he only referred to them for the purpose of contradicting those assertions in which he was accused of having adopted a conduct towards Ireland calculated to trouble and to inflame. These charges he denied, let them emanate from whence they would. Whenever petitions had been presented from the country against the Catholic claims, he had opposed those claims, and would oppose them; but he had confined his opposition to the walls of the House of Commons. In the course which he had pursued, his determination was taken to persevere; but he appealed to his right hon. and learned friend, the Attorney-general for Ireland, whether, so far from endeavouring to excite animosity, or raise up opposition to the Roman Catholics—whether he had not concurred with his right hon. friend in every course, in every measure, the object of which was to produce good understanding and pacification. He said to the Protestants of Ireland, "You are the favoured body; and it behoves you, therefore, to be the most cautious, and the most forbearing." He had called upon them to lay aside their ancient feuds and prejudices, to omit their celebrations of those triumphs, which, however justifiable in feeling, could not fail to be offensive and painful to those who were their fellow subjects, and with whom it was their duty to live in amity; and he had exhorted them not to be deterred from doing this even by that cause which was the most likely to deter them from it—by the taunts and insults of those who mis-advised and mis-directed their antagonists. Whatever opposition he might have given to the Catholics of Ireland, he repeated, that he had never offered any but that which he had given from his place in that House. As far as he knew himself, he might say, that he had never ceased to labour in the cause of Ireland, as a country generally. By his correspondence with the noble individual who presided over the government of that country, and to whose conduct in the performance of his high duties it was impossible for him to bear too honourable a testimony—by his correspondence with

that noble lord, he believed it would be shown that he had concurred with him in securing to the Catholics every privilege and every indulgence to which, by law, they were entitled. That was the system upon which he had at least attempted, and on which he was still disposed, to act towards Ireland; but further than that he must frankly avow, consistently with his conscience, and with a conviction formed upon long and careful deliberation, he was not prepared to go. This might not be—would not be—the length to which some desired that England should proceed; but still he had hoped for a more fair and candid construction than England had received: he had hoped that, to the decision of this country, obedience, if not assent, would have been given by the people of Ireland. This had not been the case. It was the more to be deplored, because, deceived indeed were those persons who supposed that by violence and menaces, any change could be produced in the sentiments and feelings of the people of this country. Those who entertained any such delusion would find themselves miserably deceived. They should find, as far as regarded himself; that their arguments failed of the very first effect which might, perhaps, be expected from them—that his indignation at their conduct should not prevent him from giving to the Catholics in general every iota of advantage and immunity which he believed he ought to give them. The Roman Catholics were wrong—they would find that they had been wrong—that they were misguided in supposing that they could intimidate the British House of Commons; but still the conduct of a few designing individuals should not urge him into denying them a single point of that which he could safely give them, or to which already they were entitled.

He might be told that what he looked for was impossible: that the deference which he expected to the decision of the legislature, the people of Ireland would not and could not pay. He might be told—he had been told—that he was wrong; that his system was a system of error; and that, such was the prevalence of better and newer opinions, even in the House of Commons, that it could not be sanctioned any longer. He did not believe that this was the fact; but, if it turned out to be so, all he could do was to regret it. If the House and the country were against him, he had no answer to such an argument. He should bow with reverence to the opinion of a majority of the assembly which he saw before him; he should pray with all his heart that they might be in the right, and that he might be wrong; but he should remain unconvinced. He should still retain his opinions, as to what was the system which the country and the legislature ought—he did not mean to speak harshly, if he used a decided term—to enforce. He thought it right to retain all the existing disabilities, as far as related to admitting Catholics to the legislature, and to offices of state. He thought it right to do this, in the first place, with reference to the plan arranged for the succession to the Crown at the time of the Revolution; and, though he might, perhaps, be induced to overlook that consideration, if he could believe that any efforts like those anticipated by some gentlemen would arise from the remission of the disabilities, he did not think that, in reality, any such advantages—or any advantages whatever—were likely to accrue from that course. In this belief, however painful it was to him to differ from those for whom he personally entertained the most cordial respect, and with whom he believed almost upon all other subjects he was agreed, he had now discharged that which to him was a most painful duty—the opposing the resolution before the House. He had felt that he had no choice but to state with firmness, but, he trusted, without asperity, the principles which his reason dictated, and which his honour and conscience compelled him to maintain. The influence of some great names had lately been lost to the cause which he supported; but he had never adopted his opinions upon it, either from deference to high station, or that which might more fairly be expected to impress him—high ability. Keen as the feelings of regret must be, with which the loss of those associates in feeling was recollected, it was still a matter of consolation to him, that he had now an opportunity of showing his adherence to those tenets which he had formerly espoused,—of showing that, if his opinions were unpopular, he stood by them still, when the influence and authority that might have given them currency was gone; and when it was impossible, he believed, that in the mind of any human being, he could stand suspected of pursuing his principles with any view to favour or personal aggrandizement [cheers].

Mr. *Brougham*, on his rising, was unable to proceed for a few moments, owing to the passage of several members through the crowded House after the speech of Mr. Peel. The hon. and learned gentleman observed, as the Speaker called to order, that the time of the night, and the state of the atmosphere, were certainly unfavourable for a speech. There were cooler spots in the neighbourhood, and without going far, to which gentlemen might retire. He could assure hon. members that he was only giving that advice which he should be glad to follow himself, under similar circumstances. The hon. and learned member then proceeded:—At so late an hour of the night, and after the able arguments which had been used, both on that and on the preceding evening, by so many noble and hon. gentlemen about him, he could expect only to weaken, rather than strengthen, the impression which those arguments had made, if he were to go deeply, or at any length, into the question; and more especially, after the address which had just been heard from his right hon. and learned friend, the Attorney-general for Ireland; and in which that right hon. and learned gentleman had appeared almost to exceed himself—an address in which wit and eloquence had seemed for a while to strive for the mastery, until conciliatory wisdom stepped in to bear the palm away from both;—after such an address as this, and rising, as he did, at the latter end of a long and anxious controversy, he felt that he could add little, very little, to that which had already been stated; and that he should best discharge his duty to the House, and to the cause which he desired to serve, by confining that which he had to offer within the narrowest possible limits.

Without adding, by further preface, then, to that which he had to impose upon the House, he should begin by throwing himself loose, with a very few observations indeed, from that discussion, which he could not help regarding as rather a by-discussion; notwithstanding the stress which had been laid upon it by the right hon. Secretary opposite—he meant the discussion as to the interpretation of the Treaty of Limerick. He had tried the construction given by the right hon. Secretary to that Treaty; but he could not at all enter into it. In the first place, so far from perceiving that the Treaty was confined to a covenant between the general besieging, and the people of the town which was besieged, he found that there were circumstances mentioned in the instrument, which made it impossible that such should be the case. The governor of the country, for instance, for one party, was named in the Treaty; and, moreover, it was not described as made on the part of the city of Limerick only, but five other counties of Ireland were mentioned as contracting parties to it. And then came the words of the document; which words were perfectly general in their meaning, and certainly referred, not to the persons shut up in the town besieged merely, but to the whole inhabitants of the kingdom. The right hon. Secretary for the Home Department insisted, that these words applied peculiarly to the religious privileges of the Catholics of Ireland—that they said merely, that they, the Catholics, should be free from disturbance in the exercise of the ceremonies of their faith; but the words were plain and distinct, and such as admitted but of one explanation: they were "That the Catholics should enjoy all such privileges as they had enjoyed in the time of king Charles 2nd, and that moreover, their majesties, as soon as they should be able to summon a parliament, would try to procure for them such further securities in those particulars, as would effectually preserve them from any molestation or disturbance on account of their religion;" and he contended that such words could not be taken to mean any thing short of the most unrestrained exercise of their religion, and consequent freedom from all civil disabilities on the account of it. Then, in the next section, came the words "That they (the Catholics) should have all their rights, titles, privileges, and immunities." These expressions were sufficiently large. Then came the description of the oath which was to be administered to each Catholic on his submitting to the new government: and certainly that provision was not meant to apply to the people of Limerick only, but to the inhabitants of the country at large. And then came the declaration, that the oath so to be administered should be the above-mentioned oath, and no other—which oath turned out, upon examination, to be merely the oath of allegiance. Now, upon this the right hon. Secretary had brought the interpretation of king William—a sovereign, whose services to this country, as well as to the cause of liberty

throughout the world, he would be the last man to deny; but whose interpretation of that Treaty certainly the House might fairly object to be bound by; especially delivered, as it had been, at the very time when he was violating the Treaty entirely.

But he would put aside this consideration of the effect of the Treaty of Limerick, which he held to be entirely beside the present question, and to which he merely adverted in order to characterize king William's treatment of it as a departure from the general fair and open policy of that monarch; because he had no occasion to go back to the seventeenth century for a treaty of king William to serve his purpose, when he had a better authority so much nearer at hand, in a treaty made in the nineteenth century, and no further back than in the reign of George 3rd. He went not to the authority of lord Somers, but to that of Mr. Pitt; not to the records preserved by bishop Burnet, but to that which appeared upon the Journals of the House of Commons. The right hon. gentleman opposite had ventured to impute indiscretion to Mr. Pitt in that arrangement—to suggest, that he had committed himself to terms with the Catholics without sufficient consideration. Why! did the right hon. gentleman really believe—he would put the point personally to him—that Mr. Pitt himself, or the eminent men with whom at that time he acted, or the eminent persons who were at that time connected with the Irish government, among whom, and at the head, was the marquis Cornwallis—did he believe it possible that, upon an occasion of such vital importance, with so many hopes and so many interests at stake, those eminent persons, or any of them, could have ventured to throw out any promise which it was not fully and amply intended to perform? Was it to be credited, that the very inducement, perhaps, which led Ireland to agree to the measure of the Union, had been rashly and lightly thrown out, and almost as lightly listened to, as a promise half given in a hasty moment, and which might be retracted without dishonour, in case it should be found politic or convenient to back out of the fulfilling of it? That promise, in reality, had been of a very different character indeed; it had been deliberately weighed and poised before utterance was given to it. It had been deeply considered in this country before it was even transmitted to Ireland. After due consideration there, according to his instructions, by the lord lieutenant, it had been privately communicated to a select circle of individuals, whose name and character was supposed to be likely to influence the country at large in its general decision. The more privately, the less ostentatiously, all this arrangement was managed, the more certainty would be entertained that weight and confidence were attached to it; and, therefore, he dissented from the gloss which the right hon. Secretary attempted to put upon this promise of Mr. Pitt, as much as he did to that which he had attempted to put upon the Treaty of Limerick. He considered this promise of Mr. Pitt as a solemn and sacred pledge given to the people of Ireland; and that view of the subject was confirmed by the notice which was taken of it at the prorogation of the first session of parliament, after the passing of the Union. He believed that, at the time Mr. Pitt made that promise, he meant to keep it; and he believed that he must still have retained that intention, when he advised the king his master to use the words which would be found in the royal Speech on the prorogation of the House of Commons, at the end of the first session of the united parliament:—"This great measure, on which my wishes have been long earnestly bent, I shall ever consider as the happiest event of my reign, being persuaded, that nothing could so effectually contribute to extend to my Irish subjects the full participation of the blessings derived from the British Constitution, and to establish, on the most solid foundation, the strength, prosperity, and power of the whole empire." If any man could read these words without perceiving that a recognition of Mr. Pitt's promise was intended by them, he must have a mode of construing the vulgar tongue with which he (Mr. Brougham) was entirely unacquainted. To what did Mr. Pitt allude in that speech? Let those who said that he did not allude to Catholic emancipation say what it was that he did allude to. The words spoke of the full blessing of the British constitution being given to Ireland—what blessing but Catholic emancipation was there to give to Ireland? It was not the gagging bills he presumed; it was not a communion of trades in hardware, or silks, or cottons, or

satins. What participation, he asked again, could Mr. Pitt refer to in that address, but his promise of including all the subjects of Ireland within that civil and religious pale, and giving to them all those civil and religious privileges which already belonged to the other subjects of the empire?

The right hon. Secretary had gone largely into the question, tempted by the nature of the arguments which had been used on the present occasion, and which derived additional weight from the authority of his right hon. and learned friend, the Master of the Rolls. The right hon. gentleman said, that if Catholics were admitted into that House, there would be at least seventy or eighty members who would not take part with the Opposition or with the Ministry, but would vote, as Catholics, against the Protestants. But how was it now? They had the same power at present. They elected whomsoever they pleased; and those whom they elected showed their thankfulness, as in other cases, towards those who sent them. The House had been favoured with the secret history of the county of Galway [a laugh]. He referred to the hon. member who represented this matter, he would not say with a want of his usual discretion. That hon. member had avowed, that he owed his seat to Catholic electors; that he derived all his support, and was indebted for all his influence, to the Catholics [hear, hear, from the hon. member for Galway]; and the hon. member was proud to acknowledge the obligation [a laugh]. There was very little doubt there were other members who owed their seats to Catholic voters, and who followed the same line of conduct. There being, then, no question that the Catholics sent members to the House, and possessed influence in it, ought they not to be permitted to choose the man they were most desirous should represent them? They were told that they might choose whom they pleased, provided he was not a member of their own religion: they might pick out a man most likely to be a tool in their hands—a restless clamourer against bigotry, actuated by a madness for change, and deranged in his hostility to church and state. They might choose a man, whom he might describe in the words of the right hon. gentleman—a man who should be "not the depository of their judgment, but the organ of their volition." As Protestants, these men would be more dangerous than as Catholics; and, by Catholic emancipation, a stop would be given to their power of doing mischief.

He would now pass to the long historical disquisition of his hon. and learned friend, the Master of the Rolls, and to the only passage in his speech which really touched upon the subject. The House had been favoured with the Gunpowder-plot and Bloody Queen Mary: the only thing of this kind omitted (he presumed his right hon. and learned friend had an imperfect copy of Hume), was the Popish-plot. Yet, this might be a true story "dashed with lies;" it might contain just as much truth as other tales of conspiracies. But the story of Bloody Mary was stale, tiresome, inapplicable, and, if he might use the term, puerile; and he little expected to hear a repetition of it from so grave an authority. There was an anecdote of Mr. Fox, who is said to have answered, when somebody complained of his not having visited a friend of his, "That really he could not go, for he was always talking of 'Bloody Mary'" [A laugh]. In like manner, he should be ready to hear his right hon. and learned friend, whenever he was prepared to discuss the subject again, if he would only abstain from referring to "Bloody Mary," merely to excite a languid cheer, which was always ready when the terms "blood" and "Papist" were attached to each other. His right hon. and learned friend had been compelled himself to admit, after he had luxuriated in the relation, that these horrible subjects did not apply to the Catholics of the present day. Then why were they introduced at all? The House was not now legislating for the Catholics of "Bloody Mary," but for those of George 4th. The history of "Bloody Mary" had no more to do with the case before the House, than Timbuctoo, or the South Sea Islands. This was his excuse for not following his right hon. and learned friend. The objection he had already made applied equally to the Irish massacre.

With respect to the speech of the right hon. Secretary for the Home Department, it was surely little worth his while, for the sake of exciting a few cheers in the House, to bring forward the allusions he had made to the Papal Bull, and the subject of indulgences. Did any one doubt that a Catholic believed in many matters which Protestants held to be absurd? Else why

were we Protestants? It did so happen (without meaning to refer to the historic lore of his right hon. friend, the Master of the Rolls), that it was just about this chapter of indulgences, that the dispute arose whereby we became Protestants. But, because there might be something ridiculous, something revolting to sound judgment, in the Catholic religion, did it follow, therefore, that those who professed it should be stigmatized? Respecting, as he did, as a member of the Church of England, its ordinances and observances, and believing it to be of all church establishments, the nearest advanced to perfection; still, with all his unwillingness to venture a word of disrespect towards that establishment, as to its doctrines and discipline, he, as a Protestant, confessed, that if he had had an angry dispute with a Catholic on the subject of his religion, and had been rating, as the right hon. gentleman had done, amidst the cheers of the House, the Bull of Pope Pius the Seventh, he should have expected that the Catholic would pluck out of the Athanasian creed some few passages in which he (Mr. Brougham) would be sorely gravelled; some few doctrines, not quite in the spirit of common sense, or of a Christian church. These, however, were subjects which should be suppressed in this place. To them it belonged to respect all men, of whatever religion, which they conscientiously believed, and conscientiously acted up to. Be their tenets revolting to us or not, they were their opinions. They were conscientiously entertained. Give them up they could not, with honour; and would not, if they were laughed at, and insulted. If we were in the peculiar situation, that, in the nineteenth century, there were some of our fellow-subjects upon whom we "looked down upon as they wandered to find the way of eternal life;" did not this afford the most cogent argument, the most irrefragable reason, for regarding their errors, deplorable though innocent, with compassion? The more right we were, the more ridiculous their notions, the safer was our church.

He now came to the bearing of the subject on the state of Ireland. The interference of the priests at elections had been touched upon. Now, he maintained the right of the priests to interfere. He might regret that they did so; but if he denied the right of interference to the Catholic priests of Ireland, he must apply the same rule to the Protestants. If one had no right to interfere at elections, he must say that the Protestant either had no right, or having it, ought not to exercise it. Was there any place in England in which there was not a Protestant clergyman who made himself a political partisan, or busybody, on one side or the other? On one side or the other it was, perhaps, wrong to say; they were generally on one side. Did these clergymen confine themselves to the hustings or the canvass? No; the dirty work (to use a term for brevity's sake) at elections was, perhaps, more frequently performed by churchmen than laymen. It was full as often, if not oftener, in the hands of the clergy than in those of the laity. It was alleged, that they did it in a secular capacity, not as priests. But, was it a secular function for a clergyman (as he had known it to be the case) to visit a man who was sick, and either tender him a bribe (which was the most honest course) or threaten him with his personal resentment, if he did not vote for a certain individual? He believed this was the case in Ireland, and he believed it was equally the case in England. The hon. member for Derry had produced last night a string of affidavits to the House; but not one of the persons who made those affidavits had been examined. It would have been desirable to examine all the makers of these affidavits, when they might have stated the whole truth, upon being cross-examined. The conduct alleged in those affidavits was not peculiar to the Catholic clergy. He had been told that an hon. member's personal safety had been put into jeopardy from the pulpit. Another hon. member had been preached at, not by the name of Beelzebub, but by that of Judas; which he took to be not much more agreeable than the other [a laugh]. The hon. member referred to succeeded in getting away, but the allusion to him was so obvious, that there was scarcely any need to specify his name. Now, he called this direct interference; and it was not by Catholic priests, but by Protestant clergymen. Two other persons had been preached at, out of a text from the Revelations, and the people were told to avoid them, as they had been forewarned.

It was remarkable that his right hon. and learned friend, the Master of the Rolls, had abstained from answering the question, as he ought to have done, pro-

pounded by the hon. baronet who originated the present motion: what was the alternative? It was very well to say that orators went too far; that sedition prevailed amongst Catholic bishops and priests: this would be mighty well, if an excuse were wanted for doing nothing. But, what if we could not stay where we were? What if we were shown, that nothing could divert the impending danger? He would not refer the House to the statements of the hon. member for Waterford (Mr. V. Stuart) last night, in a speech, which was one of the ablest delivered for some time within the walls of the House; but he would appeal to an authority beyond all exception, that of the hon. member for Derry himself; and he would ask, whether more could be desired to complete the frightful picture which he had drawn of the state of Ireland from personal observation and official knowledge? Was there a single element or feature of public wretchedness or calamity, which had not been given by the hon. member for Derry? According to his statement, the landlord was against his tenant, the priest against his flock; demagogues were raising disaffection, and were attempted in vain to be put down by a vigour beyond the law. These demagogues were obstinately persevering, and defied the law and the government of the realm. Were these things without a cause? It was mighty easy to cry out against factious men—to blame the Catholic clergy and the people. It was easy to laugh at the Bull of Pius 7th, and at the follies of that religion which, for its follies, we had ourselves abjured. But, after we had done this, and after all the invective and ridicule launched against these follies, the fact continued as it was, and the question remained to be asked, which practical wisdom dictated. He would not attempt to escape from it with the dexterity of his right hon. and learned friend, the Master of the Rolls, who had displayed a nimbleness almost inconsistent with judicial gravity. Three times had he thrown a somerset to get rid of that question. His right hon. and learned friend had admitted, that the question was important—that it was the root of the debate—that it was a problem necessary to be solved; but, said the Master of the Rolls, "I am not a Cabinet minister. Let the ministers decide the question, to whom it properly belongs; it is not in my department. I came here to oppose this question on the part of my constituents; all of them are to a man against the Catholics; they have sent me here to oppose Catholic emancipation—and, by parity of reasoning, they have sent my noble colleague to support it." [laughter]. As if the University of Cambridge had given the House opposite *data* to enable it to find out what the problem of its opinion was. The University, (as anxious as her representative, the Master of the Rolls, to keep up the recollection of Bloody Mary), in order to assist in solving a problem incapable of solution, sends up no petition—which, however, did guide him (Mr. Brougham) to a solution; for there being one member against the question, and another in favour of it, the fact of no petition being sent up, inclined the scale towards liberality, and showed that Cambridge was more with the emancipation party than against them.

His right hon. and learned friend left the question to the Secretary of State for the Home Department, and the Under Secretary; who, possessing less nimbleness of feet than his learned friend, left it just as it was. Thus was this great question left, which agitated not Ireland merely, but England and even Europe; but, if some expedient was not thought of to meet the danger under the present aspect of affairs, the remedy must be adopted which had not been proposed the first or twentieth time. It was for the other side to say what remedy they had—what relief they could propose. It was easy to cast imputations upon the Catholics, as an excuse for refusing them their requests. The injured were always in the wrong; the oppressed were always in error. He never knew an instance in which men began by hurting, that they did not end by hating. He never knew an instance in which a man did not wreak upon his victim what was due to his own crime. He regarded the errors of the Catholic Association with pity and regret. But these men were injured; and their wrongs demanded some excuse. He was not pleased with their oratory; nor at the vast influence they had acquired with their countrymen. But these men were trebly armed if their cause was just. They represented six millions of their fellow citizens, whom we still persisted in treating like enemies, although they were faithful subjects. Last year they were anxious to try once more if they had any, the most remote, hope

of receiving from this country that justice which had so long been denied to them, and they were once more told to wait another year. The general election came on; and an attempt was made to raise the hackneyed cry of "No Popery;" but whenever that attempt was made, it only had the effect of making those persons against whom it was directed the more popular. They were now come again. He did not wish to use strong language, and much less was he inclined to indulge in expressions which might be misconstrued elsewhere; but to say less than this would be to fail in the duty which he owed to himself, namely, that if their request was refused them now, they would never again ask it as they had hitherto done. [hear, hear]. They had now arrived, unhappily, at a crisis when no man living could increase the discontent which prevailed. The right hon. gentleman opposite had found fault with the Attorney-general for Ireland, because he had said, that if the laws were obeyed in that country, and if any peace or tranquillity reigned in it, it was wholly attributable to the influence of the Roman Catholic clergy. He had also taken umbrage, because the right hon. gentleman had said, that if the people of England were treated like the people of Ireland, they would rise to a man. Now, suppose that in any nation, there was a minority, and that minority too a small one, which possessed all power, both civil and ecclesiastical, and that they persevered in oppressing the majority, notwithstanding the most urgent and temperate remonstrances; suppose, to make the picture more distressing, but at the same time to increase the resemblance, they had been promised a speedy recognition of their rights: if such a state of things existed, and he were one of such a body, and who had been thus treated; if he, moreover, heard his religion every day treated with contempt, and did not rebel, it would only be because he thought that no oppression in the world could justify rebellion [loud cries of "hear"]. If, however, any condition would justify rebellion, it was a condition like this; but, whether rebellion could or could not be justified, he was quite sure that in a country like England rebellion would inevitably ensue under such circumstances.

He had now performed the duty which devolved upon him, and would only add a word or two in conclusion. He trusted that this act of conciliation would at length be done. He entreated the House to reflect that no man on the other side had ventured to say that Ireland could remain in its present condition; that no man had thrown out an alternative, or suggested a remedy, for evils which were not only allowed on every hand to exist, but which were also admitted to have risen to a height altogether insupportable; that, on the one side, the prospect of peace and tranquillity and happiness was held out, and that it was proposed to meet it on the other hand by nothing, absolutely nothing, but a flat, dry, and barren negative [loud cheers].

Mr. *Goulburn* said, that his opinion upon this great question remained unchanged. When the hon. and learned gentleman opposite had stated, that the Catholics had been promised a recognition of their rights, his attention was roused; but, what was his surprise when the hon. and learned gentleman read, from the journal of that House, an extract of a Speech of his late majesty's, in which he pretended to have found that promise? Now, not only could he not see any such promise in the extract which had been read, but he was perfectly at a loss to conceive by what means the hon. and learned gentleman had elicited any such meaning from the passage, and arrived at any such interpretation of it. When he considered the phrase, that "they should be admitted to the blessings of the British constitution," he was still more at a loss. The hon. and learned gentleman had told the House that it meant "sitting in parliament." But, could he find no other blessings? If hon. gentlemen would consider for a moment the time at which that Speech was made, the real meaning of it could not be mistaken. In the preceding year martial law had been in force in Ireland; and then, after the Union, the king came down, and said, that the people of that country should be admitted to the blessings of the British constitution. When this fact was recollected, it was easy to see that it was to the repeal of this law, and the restoration of the ordinary tribunals of this country, that the expression, holding out a promise of the extension of the blessings of the constitution was applicable. He had never attempted to conceal from himself the state of Ireland; but he differed totally from those hon. gentlemen who fondly imagine that Catholic emancipation

would be productive of results so beneficial as to remove its distresses. He would not go into any general argument upon this point, or rest upon any general principles. To rely upon the experience of past times would be a much surer mode of treating the question. The hon. member then went through the various bills which had been contemplated for the relief of Ireland, and contended, that they had all been met by expressions of discontent. [During this enumeration the hon. member was repeatedly interrupted by cries of "question."] He should have been happy to have entered fully into the subject, if he could have addressed the House at an earlier opportunity; but, in consequence of the feeling which had been so generally expressed, he would intrude no longer upon the time of the House, but sit down after he had made one more observation. He felt no hostility whatever to the Roman Catholics, and in the station which he had filled he had been induced to act towards them in a more indulgent manner than he should otherwise have acted, from the simple reflection that he was politically opposed to them. If he could bring himself to believe that to grant emancipation to the Catholics was consistent with the safety of the country, he should never object to it; but, believing as he did, that the dangers of Catholic emancipation would be greater than its benefits, he felt himself called upon to give his decided negative to the proposition before the House.

Mr. Secretary *Canning* rose, and said:—After, Sir, the length to which this debate has been protracted, the House has a sufficient security, both in my discretion and in my weariness, that I shall not trespass at any length upon its patience; although I should have felt it both disrespectful to the House, and unbecoming in myself, if I went to a division upon this question, without stating the grounds on which I give my vote. In doing so, I hope it will not be considered inexpedient, if I call the attention of the House, to what seems very frequently to have been unattended to in the course of this debate—I mean the real nature of the question which is before us. The hon. baronet, who has brought this question forward, has introduced it with a prodigality of argument, in which he was most fully justified. He has treated the resolution, as if the whole question was to be argued before the House, which, in point of substance, it really was; but of that proceeding, I must say, a most unfair advantage has been taken. I say so, because the hon. baronet having omitted to state, that his bare object now was to ask, whether the present House of Commons entertained the same opinion as their predecessors; and because he was contented to argue the resolution, as if it were the main question, yet is he now found fault with, because, in a preliminary resolution, merely embracing the declaration of a principle, he has not included all the details of a legislative measure.

I could not, Sir, have expected this misconstruction of argument from any member, even from one who was here only for the first time; but still less could I have looked for it from a quarter in which I should have been certain of finding judicial accuracy. Still less even than this, did I expect from that right hon. and learned gentleman, the Master of the Rolls, the speech which he has made, divided as it was into two parts, the historical and the critical; and, as the historical part of it was, upon his own shewing, inapplicable to the present question, so shall I presently show to the House, that the critical portion is even more so. The right hon. and learned gentleman began, continued, and ended, his speech, by complaining that there was not one word mentioned in the hon. baronet's resolution about securities; while that resolution is barely intended to ask the present House of Commons, "Do you inherit, or do you abjure, the opinions of your predecessors?" When the House shall say—as I hope they will, by their vote this night—that they do inherit those opinions, and when any measure shall be grounded upon that vote, then will be the time for the expression of surprise, that no securities are included in it. In fact, Sir, I think that the hon. baronet would not only have perplexed the House, but would have dealt unfairly by his resolution, if he had entered into those details, until the period when the House should have declared themselves to be of the same mind with their predecessors. Then would come the period, when the right hon. gentleman might bring forward every topic which he might choose, and every thing that had a bearing upon the subject, from the deluge to the revolution [a laugh].

The question proposed by the hon. baronet is, that the House will consider it

incumbent upon them to take into consideration the laws which impose disabilities upon the Roman Catholics, with a view to their relief. This is the simple proposition with which we have to deal. And then it is asked, what is the necessity for putting such a question? as if it proceeded merely from a species of idle, otiose curiosity, put without any propriety, either of design or of meaning. No, Sir, it is from no such reason that the proposition has been made; but it is submitted, because, since the last time the subject has been agitated, the representatives of the people have been returned to their constituents; and, because a new House of Commons has been returned by the people; and, it is said, returned changed in their sentiments on this great question. That it is so changed, I totally disbelieve: but no man in his senses would venture to bring in a bill upon the subject, before he had ascertained the fact, by such a motion as would prove, both generally and specifically, whether any such change had taken place. If there were such a change, it would be impolitic and unbecoming to bring forward any measure of the kind, at an inauspicious moment; or to occupy the time of the House by a discussion which could only excite angry feelings, without the hope of a fortunate result. If, however, the vote of this night shall prove that it is otherwise—and I have no doubt that it will—then will the hon. baronet be justified in bringing forward the subject in all its details. We have, however, been told this night, that not only our scheme did not detail any securities, but that all of us, who have, on other occasions advocated them, are now accused of having abandoned our principles. I, Sir, have abandoned no principle, but hold by those principles which I have ever been guided by; but having his reasons for thinking so, they should have been correctly stated by the right hon. gentleman, before he had made such an assertion. He says, that I no longer think any securities necessary; but I ask, how does he know that I think so. Perhaps he was not a member of this House at the time that the question of securities was discussed. [Here it was intimated to Mr. Canning that the right hon. and learned gentleman was not then in parliament.] However, a very small continuation of the History of England, the least abridgment, would have given him the information he stands in need of. But, as the case stands, I find I must become the historian of those events. In the year 1812, I took the liberty of moving a resolution, which was nearly the same as that now proposed by the hon. baronet; with this difference, that, as it was at the period near the conclusion of the session, the House would pledge themselves to an examination of the Catholic claims early in the next session. It so happened, that the termination of the session was but the eve of a dissolution; but the parliament of 1813, adopted the pledge of their predecessor. A bill was brought in by Mr. Grattan, to whom, from his justly-earned character and weight, I surrendered, and with pleasure, the fruits of my expected victory—a victory which I will call unparalleled, as the motion was carried by a majority of one hundred and fifty-nine. However, in pursuance of certain principles which I made the guide of my conduct, I undertook to form a scheme of securities to be required, which were approved of by the House, and incorporated in the bill.

With respect to those securities, I must say, that there lies a great fallacy in the word security, as it is made use of by some honourable gentlemen. To hear the right hon. gentleman, any one would suppose that those securities were great political enactments, extending to the whole system of church and state. They were, however, only two; one of them went to give the Crown a certain authority in the nomination of Catholic bishops; the other was, to submit to the inspection of government the private correspondence which was carried on between the court of Rome and persons professing the Catholic religion in these countries. But this correspondence was not created by the bill: it did then, and does now, exist. And, supposing it even had been, is not that question now greatly changed by the restitution of the pope, who is at present in the full exercise of his authority at Rome? But then he had none, and was in captivity.

From the speech of the right hon. gentleman, any one would have supposed that the bill of 1813 was refused by the Roman Catholics, on the ground of the securities contained in it. No such thing. It was refused—it was rejected—by the Roman Catholics, not in consequence of its containing any securities, but solely in consequence of the success which attended a speech and motion made, Sir, by your

predecessor, who took part in the debate in the committee, and who succeeded in throwing out the clause, admitting Roman Catholics to seats in parliament. It was that speech, and the exclusion of that clause, which produced the failure of the measure, and entailed upon us the precious legacy, which now engages our attention [cheers]. In reference to the bill of 1813, it may be true that the Roman Catholics, seeing the failure of that measure, instantly drew back. It may be true that the Romish ecclesiastics in Ireland, in despair of ever experiencing its benefits, thought fit instantly to decry, and treat with disdain, what they had lost all hope of possessing. It might be imagined, that any body of men, when they began to discover that all hope of success was at an end, saw very good reason for retracting any concession that they might previously have made, and instantly standing upon their rights. If any man bought a horse, and the seller suddenly repented, and refused to make good the bargain, would not the person he was dealing with express himself infinitely delighted? So it was with the ecclesiastics of the Romish church in Ireland. They were deprived of what they earnestly desired; and then they suddenly turned round and declared, that they never would have accepted that which, in truth and reality, never was offered to them. Amidst the historical confusion of this historical night, it was doubly provoking to have it said that the bill of 1813 was rejected by persons, to whom, from the stage in which it was stifled, it could never have been offered. So much for the bill of 1813. Any body, from the representation of the right hon. gentleman, would have supposed, that I had been bargaining with the Roman Catholics, what I would give, and what I would take. To the whole course of my parliamentary life I would refer in refutation of this. If there was one principle, above all others, which I never ceased endeavouring to impress upon the House even unto weariness, *usque ad nauseam*, it was that the concessions to be made to persons, circumstanced as the Catholics were, should never be made the subject of bargain and sale, should never be subjected to negotiation of any kind. In the year 1812, I adopted a determination which no courtesies, no kindnesses, no reproaches, no invectives, have ever since induced me to swerve from; namely, that I would never exchange a word, verbal or written, with any of the parties concerned on the subject of the Catholic claims. From this rule there has been one exception; it was when I gave instructions to a gentleman respecting the technical language of certain clauses, which I purposed introducing into the bill of 1813. With that solitary exception, I never exchanged a word on the subject with laymen or ecclesiastic. In stating thus much, I mean not the slightest offence to any individual. The abstinence I observed was entirely with the view of keeping myself clear of the cabals and squabbles which were every day arising out of the discussion of their claims. I make it a subject of bargain and sale! Nothing like it! No! my full and settled conviction—a conviction which I never let pass an opportunity of labouring to impress upon the House—was, that parliament should inquire, deliberate, and determine, as to the course which it was wise, and right, and expedient to pursue; and, having done that, it should not invite the Catholics to accept or reject, but call upon them to obey [cheers]. Whether it be for good—whether it be for evil—whether it be in kindness or with penalty—that is all that parliament can do consistently with what it owes to the country. When once parliament descends to any thing like bargain, rate, or negotiation, it abandons its duty, and degrades its character.

I trust, Sir, I have now set myself right with the House, as to the bill of 1813, and the principles by which, on that occasion, my conduct was governed. But misrepresentation does not end here. It has been insinuated, that the friends of emancipation have cooled on the subject of securities, and that I, among the rest, have manifested indifference on this point. No reading man, Sir, is unacquainted with what passes here, and elsewhere, on political subjects. However a man may allow his attention to be engrossed by the quarto, he generally contrives to peruse the diurnal sheet of reports. And must not every man who reads know what passes? Nay, I myself have listened in another place, *hisce auribus*, to what was meant to be most taunting language, as applied to the Roman Catholics. It was said, "if you give them relief, do it largely, do it effectively, do it with an open heart and liberal hand; do not come to them

with a boon in one hand, and securities in the other, adding insult to degradation." I wish the House just to observe, what a clever scheme this is in the opponents of those claims, thus to say that it would be better not to produce any securities at all. In the House of Lords it is said, that securities are of no value, or ought not to be exacted; and in this House, those in correspondence with the noble lords tell us that securities are the only thing needful. By no physical possibility, then, can any bill escape. Since the year 1813, I certainly have not meddled in the workmanship of securities; but, at the same time, I assure my right hon. friend, that I am perfectly ready to vote for securities, but I am not to be set down as a security finder. As to the House of Lords, they never had any opportunity of being made acquainted with the securities which I originated and proposed. The lords tell us there is no danger, and those in correspondence with them in this House call upon us to fit it with a security without providing the danger. I must find, it would seem, not only the securities, but the dangers too; like the prophet, who was not only to interpret the dream, but to discover what the dream was. It was a little too much to expect that I should guess the danger and find the security. In order finally to set the question at rest, it was deemed, and justly, that the Crown should have the power of interference in the appointment of bishops. The government of Prussia has that power, and is defended by that security. It is also perfectly true, that the king of the Netherlands is at this moment negociating on the same subject; that Austria, Saxony, and other powers, are in actual possession of it. And why was it in their power to make arrangements of that nature? Simply because they were in communication with the pope of Rome. I have seen it stated in some popular work, that it was high treason for any subject of this realm to be in correspondence with the pope. Sir; very soon after I came into the office which I at present fill, a letter was addressed to our most gracious Sovereign from the pope, announcing his accession to the pontificate; that letter was accompanied by another of a very complimentary character addressed to myself by the pope's secretary. I thought my better course, under all the circumstances of the case, would be, to obtain the opinion of the law officers of the Crown on the subject of the correspondence; and, in answer to an application which I directed to be made, I received a letter, which, as I have referred to it, I shall take the liberty of reading to the House. The letter is to the following effect:—

"Sir, we have had the honour of receiving from Mr. Planta, a letter directed to his Majesty's law officers, stating that his holiness the Pope had forwarded a communication to his Majesty, announcing his elevation to the Papal Throne, and that this communication has been accompanied by a complimentary letter from Cardinal Gonsalvi to his Majesty's principal Secretary for Foreign Affairs; and, further, a question having arisen in that right hon. gentleman's mind, whether, in the event of his noticing or replying to these communications, he would be, in the opinion of his Majesty's law officers, according to the existing law of the land, liable to a premunire; we are of opinion, that under the act of 5th Elizabeth, chap. i. sec. 12, any one allowing or admitting the jurisdiction of the See of Rome in this realm, is subject, for the first offence, to a premunire; and as, in the present case, the Pope claims to exercise authority over the Roman Catholic church in these countries, we are of opinion that an answer to the letters referred to might be interpreted as a sanction of these claims to authority, and, consequently, that the party so communicating might render himself liable to the penalty of premunire.

(Signed) "R. Gifford.
J. S. Copley."

Now, Sir, I began to consider with myself the penalties consequent upon premunire; and, unlearned as I was, I found upon inquiry, that a man attainted with premunire, might be slain by any one. Further, Sir, that he was considered to be out of the king's protection, and beyond that of the law for all beneficial purposes. He was unable to bring his action at law, and no one was to succour a person so guilty. According to Hawkins, Sir, I believe there are further penalties, connected with suretyship.

The *Master of the Rolls.*—That is not my opinion.

Mr. Secretary *Canning.*—No; it is not the right hon. gentleman, but Burns' Justice, which is my present authority. [a laugh]. Such were some of the penal-

ties incident to a premunire, which I, an ignorant and unlettered person, naturally anxious to obtain information on the subject, discovered. It was natural, Sir, I should look to the penalties; and, looking to them, I resolved not to correspond with his holiness the pope. Accordingly, I did not write a single line in reply to the communication, neither did I advise his majesty to return any answer. And, although, Sir, from that day to this, I have been precluded from the possibility of offering to his holiness, any explanation of my apparent want of proper attention and politeness, I may now be permitted to hope, that in a more legitimate way, my motive may reach his holiness's ears—and without the fear of a premunire. And with such a view it is, I take this opportunity to assure that venerable person, that the omission on that occasion was dictated by no intentional want of respect. Having ascertained, Sir, that to correspond with the pope was to put myself in jeopardy, it was not likely that that fact could induce me, with all my admiration for the laws which yet remained unrepealed, to attempt to convey any communication to the pope of Rome. No doubt a similar feeling pervades the bosom of my right hon. and learned friend on the subject; and yet, Sir, to the pope of Rome it is that my right hon. friend must come at last, if he really desires to effect that security which might be expected to arise out of the nomination of the Roman Catholic bishops.

The *Master of the Rolls*.—I consider that the opinion referred to was contained in a private letter—[Cries of "order, order; chair, chair!"]—and I doubt whether the right hon. Secretary has more than a copy, the original being in my possession.

Mr. Secretary *Canning*.—Sir, I do not exactly understand this interruption. It is, in my opinion, most extraordinary. I assert, that this is a public document, on the production of which depends the judgment to be pronounced, as to whether or not I have properly executed my public duty as a minister of the Crown. With this view I called for the opinion of his majesty's law officers, and received it, not in a non-official, but in an official way; and that being the case, I have a right to refer to it [cheers]. Perhaps, Sir, I might not have referred to the matter, had it not been for the extraordinary language made use of, not in this House, but elsewhere, and on a different occasion. I confess, Sir, I did not expect such language would be repeated here, much less that any man would attempt to impeach my honour and honesty. Though, Sir, I vow to God, if before I came into this House, I were called upon to judge from what quarter the attack would come, that quarter from which it has proceeded, would have been the very last from which I could have expected it [hear]. Well, then, quitting this, to me, most painful subject, I come to the other branch of the securities. Sir, it seems that securities are required against the private correspondence carried on between the Catholics of this country and the See of Rome. Be it remembered, this correspondence is wholly of a spiritual nature, touching the granting of indulgences, and transactions, having reference to private life, and coming properly and strictly under ecclesiastical cognizance. True, the securities which I proposed failed along with the bill, of which they were to have formed a part; and when they failed, my labours on the subject were at an end. But if there are those who really think, that danger would result to the state from keeping up a communication with the See of Rome—such a communication, for instance, as one about the marriage of second cousins twice removed—it was for them to bring in a bill to regulate the intercourse. Do not let them suppose that such communications are not every day going on. The same learned authority which informed me on the subject of premunire, will apprize these gentlemen, that by the 13th Elizabeth, cap. 2, any one publishing a Papal bull, is guilty of high treason. Now, Sir, this also is done every day, and, consequently, not a day passes in the course of which some of his majesty's subjects are not guilty of high treason. Yet, will any one get up and gravely say, that there is no safety for the state, if these bulls of Rome are not taken by the horns [a laugh]. Sir, I cannot think any person sincere, who slumbers over an evil which has existed for ages without an attempt at a remedy, and who only thinks of it when the Catholic question is about to be discussed; and now, Sir, I am to believe that these bulls of Rome are running about wild and unchecked, in consequence of my rashness and apostacy [a laugh]. Is it possible for me, Sir, consistently with

a due regard to decency, to find words to express the contempt which I feel for such an accusation? It is the duty of every man to defend his own consistency, and I, therefore, may be excused, I trust, for some anxiety on the subject of mine. I think, Sir, we have a right to know the opinion from the lords, whether they ascribe any importance to the required securities or not. If they do, they are sincerely welcome to them; if they do not, it is too much to treat those securities with contempt themselves, while they hold out to the country that they are necessary. If it be true, that the securities are essential, why is the country suffered to remain in danger for the want of them; and, if it be true that they are worthless, what claims to candour have those individuals who lay such stress on their adoption? [hear, hear].

Sir, an hon. member, who, I think, must be very new to this House, has talked of the coronation oath as a barrier against emancipation. Sir, I thought the day for that bug-bear had gone by, therefore I go to high places for high arguments on the subject; and quote an opinion which cannot fail to be respected; namely, that of the earl of Liverpool. [The right hon. gentleman then proceeded to quote from the speech of the earl of Liverpool, made in the House of Lords, in 1825, in which the noble lord expressed his opinion, that the coronation oath afforded no obstacle to the removal of the civil and religious disabilities under which the Roman Catholics laboured]. This, at least, was one bug-bear fairly disposed of; and no more, he hoped, would be said of the coronation oath. What are the other dangers which exist at this eleventh hour, I have yet to learn; but a singular fate has attended this question. The question is—"Will you do as we propose? or will you do nothing? or what will you do?" And secondly, "What dangers do you apprehend?" Now, to the question—"Will you do as we propose, or will you do nothing, or will you do something else?" the answer is clear enough: "We will not do as you propose." But to the two remaining branches of the question, no answer is given. And when we ask, "what dangers do you apprehend from the passing of a bill, similar to that of 1813," we are also unable to get any answer.—I remember once to have heard, that great danger was supposed to arise from the admission of a large and untold proportion of a dissipated population into the military force of the kingdom: but, somehow or other, in the year 1818, an act was passed, by which every man in the army became capable of filling any situation which that army presented. Some hon. members last night assured us, that it had been quite settled, that no Roman Catholic could hold the office of commander-in-chief. I do not agree with that hon. member. Nay, I am quite sure—whether it would be prudent or not, I am not called upon to give an opinion—there is nothing in the law of this kingdom, as it at present stands, that can prevent him. And, what is whimsical enough, when this great change was making; that is, when Roman Catholics were rendered capable of being commanders-in-chief, and allowed the entire government of the army, and entitled to lead the fleets of this country, we heard nothing about those securities, of which we have this night heard so much. No member of this House was then arraigned and stigmatized for abandoning them: no security was then provided, or sought to be provided, against the dangers that might arise from the exercise of the highest privileges over sea and land, although now, some hon. members think it necessary to protect this country, by reserving a power to open all letters, which give permission to a Roman Catholic to eat meat on a Friday! No letters, according to their system, granting permission to abstain from fish, can be perused, without first meeting the watchful eye of the right hon. Secretary near me. But the armies may be led to victory—and the fleets may be steered to distant countries—without a single security being asked or expected. Why, then, all of a sudden, has this necessity sprung up. In the year 1793, when the elective franchise was granted to the Roman Catholics, and granted, too, when the government had the entire option to impose what conditions it thought proper—all the security that it required was an oath—nothing more. Well, then, by the act of 1793, the Roman Catholic was admitted to the bar; and no distinction was made between him and his Protestant brethren. They availed themselves of this permission, still they cannot have the silk gown without the required security; so that the moment a man acquired the first business at the bar, he must obtain

that security, and then all the secrets of his private life must be opened and exhibited. In the year 1818, an officer might rise to the highest situation upon the staff, and in the end become commander in chief of the forces of the kingdom; and yet no security be required. Well, then, if those who voted with me in 1813, think it now necessary to charge me with having abandoned the securities, I retort the charge upon them, for having given those important offices, and those powerful advantages, without asking for the slightest security from those who received them. Sir, we all know, and those who adopt this course of argument well know, that those securities are not necessary, although the old story of securities has now been trumped up, to cast an odium upon those who may have been expected to take a part in this debate—to raise the cry of the country against them, and to weaken the influence, and injure their reputation.

I have now, Sir, to refer to a topic which has been already handled by more than one hon. member, and if I touch on it at all, I will at least do it briefly. I agree with the right hon. and learned gentleman, that nothing was, at any time, said or done by Mr. Pitt, tantamount to a pledge, that, when the Union of Ireland and England was effected, the concessions to the Catholics would be yielded. But, I am also ready to admit, that various transactions connected with that period, and with that subject, being put together, calculated to excite, in the minds of the Roman Catholics a hope, which has been deferred until the heart is sickened. In addition to this, Sir, I cannot help thinking, that, at the time of the Union, Mr. Pitt was careful to make no promises that could, in any way, be confounded with positive engagements: but to this I cannot shut my eyes — that a powerful inducement to the Catholics to lend their aid to effect the Union of Ireland with England, was the impression that, in the united parliament, the question which so nearly concerned them would be more favourably received. I remember, Sir—as well as if it happened yesterday—Mr. Pitt's showing me a letter from earl Cornwallis, in which that noble lord said, he had sounded the ground, and could carry the Union, but not the Catholic question; and I also recollect my saying, "If I were you, I would reject the one measure, if distinct from the other." Mr. Pitt rebuked me, as perhaps, my rashness deserved. He carried the Union, but I will depose, and I am ready to depose before any tribunal, as to his intentions on that other measure. I do not know that he said it. I never heard him say it: but any one who had any knowledge of Mr. Pitt, will believe that his opinion merely was, that the question ought not to be stirred during the life of the late king. This I firmly believe; but further I cannot go. In this opinion I am confirmed by a reference to the opinion of a person who knew Mr. Pitt well — I mean the late marquis of Londonderry, who once, in contradiction to Mr. Rose, gave the same testimony that I now give; namely, that Mr. Pitt's mind upon this subject, was unaltered to his dying day. Let any one read the speech which he delivered in 1805, about five months before his death, and he must be convinced that it was a rapid change indeed, if any change had taken place. I protest, therefore, Sir, against making use in any way of the authority of Mr. Pitt in order to disparage the cause which I profess to inherit from that great man.

But, Sir, I have been drawn aside by the name of Mr. Pitt from the line of argument which I had purposed to myself. Briefly, then, my impression is, that no promise was ever given by that illustrious individual; but that indirect intentions were held out to the Catholics to induce them to hope, that Catholic emancipation would be granted, if the Union were agreed to; and I do firmly believe, that many of the Roman Catholics of Ireland pledged themselves to procure that Union, in the anticipation that that measure would be favourable to the great object. Now, then, that two-thirds of the representatives of Ireland are advocates for it, what is the result? What, but that this very Union is the great bar to its attainment? For this one thing is clear—and no man in his senses can doubt it—that, if Ireland had continued separate from this kingdom, instead of the Roman Catholics coming here for the twentieth time, in the hope and expectation that their claims will be granted, the question would have been settled many years ago, and they would now be placed on a similar footing with all other British subjects. This is a consideration, which, although it does not amount to a contract or treaty, should

have some weight in the scale, when the judgment of the House is with them.

And now, Sir, to another branch of the subject. The picture which has been drawn of the state of Ireland, by gentlemen espousing both sides of the question, is of a nature so appalling, that I think it becomes the duty of the English part of the House of Commons, judging from the statements that have been made by the members of the sister country, to consider well before they throw away any chance of improving her condition. My right hon. friend (Mr. Peel) has stated, that these troubles and these difficulties should be met by firmness and decision. Firmness and decision, Sir, are admirable qualities; but they are virtues or vices according as they are used. I will not take them in the unfavourable sense in which they have been taken generally, by the ears which have heard them this night; for if I did, I should not envy the hand on which would devolve the task of carrying such a system into effect. But, Sir, let us hope, that the opposition to the motion of the hon. baronet, is merely an opposition rather than the desire to substitute, in place of the measures which he proposes, measures of a far different nature. Let us hope it is so; God grant us time to consider this question; for I will not conceal my belief, that the distaste in this country to this measure is stronger than it formerly was. I avow this impression honestly and fairly; but I have no doubt that to argument and to discussion, that distaste will give way, and that that which is in itself right, and just, and equitable, and humane, will not be long ere it find an echo in the bosom of the British legislature.

Sir, it is, I think, impossible to hear the speeches of hon. members from Ireland, and conceive the practicability of that country going on in the way in which it has lately done. As many affidavits and documents of every description have been read in support of various opinions, I will beg leave to detain the House, by reading one of these affidavits, as a specimen of the absurdities that have been put forward on the subject. The affidavit to which I refer, runs as follows:—"And this deponent saith, that the said (A. B.) swore that he would kick the damned soul of the said deponent so that it should fly round Hell like a blue bottle round a treacle barrel; and which the said deponent verily believes the said A. B. would have done, had he not been prevented [a laugh]." Sir, the system pursued by this country towards the Roman Catholics may be sustained a little longer, and a little longer—from year to year—but speaking of the age of a country, the time of the duration of that system must be short indeed. I should despise the character of the Catholic priesthood as much as my right hon. friend (Mr. Peel) if I thought them guilty of all that has been imputed to them, but I have learnt, even from the debates upon the subject in this House, not to trust to extravagant accusations. The Roman Catholic priests have been accused by my right hon. friend, of garbling the Catechism of the Church of England, on a point which went to convict them of idolatry; but I hold in my hand a work of great circulation in the Roman Catholic schools of Ireland, in which the second commandment is fully set forth.

Sir, I conjure the House to reflect, that the motion of the hon. baronet is merely a declaration on the part of the House, that the state of Ireland and of the Roman Catholic population, is such as to demand the consideration of the House. To this proposition, it is intended to oppose a direct negative, importing that the House does not think the state of Ireland, or the laws affecting the Roman Catholics, deserves consideration. That is the issue upon which the House is now going to divide. The resolution goes no further than that the House should adopt the opinion of its predecessors, who sent three bills up to the House of Lords, of relief to the Roman Catholics. By voting with the hon. baronet, I do no more than sanction this proposition; reserving to myself the power of acting, or of not acting, upon it. On the other hand, if this resolution should be negatived—the House of Commons should decide, that the consideration of the state of Ireland is not worthy to be entered upon—then is the House of Commons changed indeed; and it would be more easy to imagine, than it would be safe for me to express, the consequence that may ensue from such a change [loud cheers].

Sir *Charles Forbes* rose amidst loud cries of "question." After several minutes had elapsed the hon. baronet said, his object in rising was to explain the reason why he had voted against the Catholic question two years ago. He had then

thought that the time was not a fit one. He now, however, intended to support the motion: but he wished the word "necessity" to be changed to "expediency."

Sir *Francis Burdett* said, he would not add one word to what had been so ably and eloquently urged, by the right hon. Secretary of State for Foreign Affairs. He was quite willing to adopt the alteration just suggested by the hon. baronet.

The question being accordingly put, "That this House is deeply impressed with the expediency of taking into consideration the Laws imposing Civil Disabilities on his Majesty's Roman Catholic Subjects, with a view to their relief," the House divided: Ayes 272: Noes 276: majority against the motion four. The House adjourned at five in the morning.

List of the Majority, and Minority.

MAJORITY.

A'Court, E. H.
Alcock, T.
Alexander, H.
Antrobus, G.
Arbuthnot, hon. H.
Archdall, M.
Ashburnham, hon. P.
Astley, sir J.
Ashurst, W. H.
Astell, W.
Ashley, lord
Attwood, M.
Baker, E.
Bankes, G.
Bankes, H.
Barclay, C.
Barne, M.
Bastard, E. P.
Bastard, T.
Batley, C.
Beckett, sir J.
Bell, M.
Benson, R.
Beresford, sir J. P.
Beresford, M.
Blackburne, J.
Blair, J.
Blandford, marquis of
Bonham, H.
Borradaile, R.
Bond, John
Bright, H.
Brogden, J.
Brudenell, lord
Brydges, sir J.
Buck, L. W.
Burrell, sir C.
Buxton, John
Byron, Thos.
Belfast, earl of
Bradshaw, James
Chaplin, C.
Calvert, John
Campbell, John
Campbell, A.
Carmarthen, marq. of
Capel, John
Cartwright, W.
Chandos, marquis of
Chaplin, T.
Clinton, C. F.
Clive, visct.
Clive, hon. R.
Clive, H.
Cooke, sir H.
Cotterell, sir J.
Cole, sir C.
Collett, E. J.
Cooper, E. S.
Cooper, T.
Cooper, R. B.
Cooper, hon. W. A.
Copley, sir J. S.
Corry, visct.
Corbett, Panton
Cuffe, James
Curtis, E. J.
Curzon, hon. R.
Cust, hon. P.
Cust, hon. Wm.
Duff, hon. A.
Dalrymple, A. J.
Davidson, D.
Davis, Hart
Dawkins, H.
Dawson, G. R.
Domville, sir C.
Dottin, A.
Dowdeswell, J. E.
Dugdale, D. S.
Duncombe, hon. W.
Dundas, hon. H.
Dundas, John
Downes, lord
Dick, Quintin
Eden, hon. R.
Ennismore, lord
Estcourt, T.
Evans, H.
Egerton, W.
Fane, J. T.
Fane, hon. H. S.
Fane, John
Farquhar, J.
Fellowes, W. H.
Fetherstone, sir G.
Fleming, John
Foley, E. T.
Foley, John
Forrester, hon. G.
Foster, J. L.
Fyler, T.
Gascoyne, J.
Gooch, sir T.
Gordon, hon. W.
Gordon, John
Goulburn, rt. hon. H.
Graham, marquis of
Grant, sir A. C.
Greville, hon. sir C.
Gilbert, D.
Graham, G. E.
Graves, lord
Gye, F.
Halse, J.
Hancock, R.
Hart, G. B.
Hastings, sir C.
Heathcote, sir W.
Herries, J. C.
Hill, sir G.
Hill, sir R.
Hodgson, F.
Hodson, J. A.
Holmes, W.
Hotham, lord
Houldsworth, T.
Jones, J.
Irving, J.
Jenkinson, hon. C.
Kekewich, S. T.
Kemp, T.
King, hon. R.
King, hon. H.
Knatchbull, sir E.
King, sir J.
Langston, James
Legh, T.
Legh Keck, G. A.
Lenox, lord G.
Lethbridge, sir T.
Lindsay, C.
Lott, H.
Lowther, visct.
Lowther, hon. H.
Lowther, sir J.
Lowther, J. H.
Lucy, G.
Lushington, S. R.
Lushington, col.
Luttrell, J. F.
Lygon, hon. H.
Lascelles, hon. W.
Legge, hon. E.
Macnaghten, E. A.
Macqueen, T.
Magennis, R.
Maitland, E. F.
Malcolm, N.
Mandeville, visct.
Manners, lord C.
Manners, lord R.
Martin, sir T.
Maxwell, Waring
Maxwell, H.
Meynell, H.
Moore, G.
Morgan, sir C.
Morgan, J. G.
Mundy, F.
Mundy, G.
Musgrave, sir P.
Maxwell, sir W.
Newborough, lord
Nicholl, rt. hon. sir J.
Nightingal, sir M.
Northcote, H.
Norton, G.
O'Neil, hon. A.
Onslow, A.
Owen, sir E.
Owen, sir J.
Owen, Hugh
Pallmer, C. N.
Palmer, Rt.
Paget, lord W.
Palk, sir L.
Peachey, W.
Pearse, John
Peel, rt. hon. R.
Peel, J.
Peel, W.
Peel, L.
Pellew, hon. P.
Pennant, G.
Pitt, J.
Pollen, sir J.
Powell, W.
Powell, Alex.
Price, Richard
Prendergast, M.
Pelham, J. C.
Phillips, Rd.
Raine, J.
Rice, G. T.
Rickford, W.
Roberts, W.
Rochford, G.
Rogers, E.
Rose, sir G.
Rose, G.
Ross, C.
Ryder, rt. hon. Rd.
Sanderson, A.
St. Paul, sir H.
Scott, hon. W.
Scott, H.
Shadwell, L.
Shelley, sir J.
Sibthorpe, C.

Smith, A.
Smith, C.
Smith, S.
Smith, T. A.
Smythe, sir G.
Somerset, lord G.
Somerset, lord E.
Somerset, lord F.
Sotheron, F.
Spence, G.
Spottiswoode, A.
Stafford, lord
Strathaven, lord
Strutt, J.
Stuart, Wm.
Stephenson, R.
Seymour, Henry
Starkie, Le Gendre
Thynne, lord J.
Tallemache, hon. F.
Taylor, G. W.
Thompson, G. L.
Thomson, alderman
Tindal, N.
Tomline, W.
Townshend, hon. J. R.
Townshend, lord Jas.
Trench, F.
Tullamore, lord
Tyrwhitt, Tho.
Tyrwhitt, Wm.
Tudway, J. P.
Ure, M.
Uxbridge, earl of
Vaughan, sir R.
Vivyan, lord Rd.
Walker, Josh.
Wallace, rt. hon. T.
Walpole, hon. J.
Walrond, B.
Ward, W.
Webbe, Ed.
Wells, J.
Wetherell, sir C.
Whitmore, T.
Wigram, W.
Wilbraham, Bootle
Williams, R.
Willoughby, Henry
Wilson, J.
Wilson, Rd.
Winn, hon. G.
Worcester, marq. of
Wyndham, W.
Wynne, Owen
Wilks, J.
Wemyss, James.

PAIRED OFF.

Burrell, Walter
Bradshaw, J. H.
Campbell, A.
Davenport, D.
Dundas, rt. hon. W.
Harvey, sir E.
Hope, hon. sir A.
Hope, sir W.
Leake, W.
Manning, W.
Noel, sir G.
O'Neill, col.
Seymour, H.
Vivian, sir H.

MINORITY.

Abercromby, hon. J.
Acland, sir T.
Alexander, J.
Althorp, visc.
Anson, sir G.
Anson, hon. G.
Arbuthnot, rt. hon. C.
Archdeckne, A.
Baillie, John
Balfour, J.
Baring, A.
Baring, F.
Baring, sir T.
Baring, W. B.
Barclay, D.
Barnard, visc.
Beaumont, T.
Bective, earl of
Bentinck, lord W.
Bernard, T.
Bingham, lord
Binning, lord
Birch, J.
Bourne, rt. hon. W. S.
Brecknock, earl of
Brougham, Henry
Brougham, J.
Brownlow, C.
Bruen, W.
Burdett, sir F.
Butler-Clarke, hon. C.
Buxton, T. F.
Byng, G.
Boyd, Walter
Bruce, lord
Buller, J.
Brown, James
Calcraft, John
Calthorpe, hon. F.
Calthorpe, hon. A.
Calvert, N.
Calvert, C.
Campbell, Walter
Canning, right hon. G.
Carew, R. S.
Carrington, sir E.
Carter, John
Castlereagh, visc.
Caulfield, hon. H.
Cavendish, lord G.
Cavendish, Henry
Cavendish, C.
Cholmondeley, lord H.
Chichester, Arthur
Clements, visc.
Clarke, sir G.
Clifton, visc.
Clive, Henry
Colbourne, N. R.
Coke, T. W.
Cocks, James
Colthurst, sir N.
Coote, sir C.
Courtenay, T. P.
Cradock, S.
Croker, J. W.
Crompton, S.
Davenport, E.
Dawson, A.
Dawson, J. H. M.
Denison, W. J.
Denison, J. E.
Doherty, John
Douglas, W. R. K.
Du Cane, Peter
Duncombe, T. S.
Dundas, hon. G.
Dundas, hon. sir R.
Dundas, hon. T.
Dundas, C.
Drummond, Home
Easthope, John
East, sir E.
Ebrington, visc.
Ellis, hon. G. A.
Ellison, Cuthbert
Ennismore, visc.
Eliot, lord
Fazakerley, N.
Fergusson, sir R. C.
Ferguson, R. C.
Fitzgerald, rt. hon. M.
Fitzgerald, rt. hon. V.
Fitzgerald, lord W.
Fitzgerald, John
Fitzgibbon, hon. R.
Fitzroy, lord C.
Folkestone, visc.
Forbes, lord
Forbes, sir C.
Fortescue, hon. G.
Frankland, R.
Fremantle, rt. hon. W.
Ffrench, Arthur
Farquhar, sir R.
Forbes, John
Garties, lord
Gordon, R.
Gower, lord F. L.
Graham, G. E.
Grant, right hon. C.
Grant, R.
Grattan, H.
Grattan, J.
Grosvenor, hon. R.
Grosvenor, T.
Gurney, Hudson
Guest, Josiah
Guise, sir W.
Hare, hon. W.
Hardinge, sir H.
Hawkins, sir C.
Heathcote, G. J.
Heneage, G. F.
Heron, sir R.
Hill, lord A.
Hobhouse, J. C.
Honywood, W. P.
Howard, hon. F. G.
Howard, Henry
Howick, visct.
Hume, J.
Hurst, R.
Hutchinson, J. H.
Hutchinson, John
Hay, lord John
Hughes, W. L.
Ingleby, sir W.
Innes, sir H.
Jephson, C. O.
Jermyn, earl of
Jolliffe, Hilton
Knight, R.
Kennedy, T. F.
King, hon. R. (Cork)
Knox, hon. Thomas
Labouchere, H.
Lamb, hon. G.
Lascelles, hon. W.
Latouche, R.
Lawley, F.
Lennard, T. B.
Lester, B. L.
Lewis, T. F.
Leycester, R.
Liddell, hon. H.
Littleton, E.
Lloyd, T.
Lockhart, W. E.
Lombe, E.
Lumley, J. S.
Lushington, Dr.
Maberly, John
Maberly, W. L.
Macdonald, sir J.
Mackenzie, sir J. W.
Mackintosh, sir J.
Maitland, visc.
Maitland, hon. A.
Marjoribanks, S.
Marshall, John
Marshall, W.
Martin, J.
Martin, R.
Maule, hon. W.
Marryatt, J.
Milbank, M.
Mildmay, P. St. John
Milton, visc.
Monck, J. B.
Morland, S. B.
Morpeth, visc.
Mount Charles, earl of
Newport, rt. hon. sir J.
Normanby, visc.
Nugent, lord
Nugent, sir G.
O'Hara, J.
O'Brien, Lucius
Ord, W.
Oxmantown, lord
Palmerston, visc.

Parnell, sir H.	Thompson, P. Beilly
Pendarvis, E.	Tierney, right hon. G.
Phillimore, J.	Tomes, John
Philips, G.	Tufton, hon. H.
Philips, G. R.	Tunno, E.
Phipps, hon. E.	Twiss, Horace
Plunkett, right hon. sir W. C.	Tollemache, F.
	Valletort, visc.
Ponsonby, hon. W. S.	Vernon. hon. G.
Ponsonby, hon. G.	Villiers, T. Hyde
Ponsonby, hon. F.	Van Homrigh, P.
Portman, E.	Waithman, ald.
Power, R.	Wall, C. Baring
Powlett, hon. W.	Warburton, Henry
Poyntz, W. S.	Warrender, sir G.
Price, R.	Westenra, hon. H.
Pringle, sir W.	Whitbread, S. C.
Prittie, hon. F.	Whitbread, W. H.
Proby, hon. G.	White, H.
Protheroe, E.	White, J.
Ramsden, J. C.	Whitmore, T.
Rancliffe, lord	Wilmot-Horton, R.
Robarts, A. W.	Wilson, sir R.
Robinson, right hon. F.	Winnington, sir T.
Robinson, sir G.	Wodehouse, E.
Robinson, G. R.	Wood, M.
Rowley, sir W.	Wood, J.
Rumbold, C.	Wood, C.
Russell, lord G. W.	Wynne, sir W. W.
Russell, lord John	Wynne, C. W. W.
Russell, lord W.	Wyvill, M.
Russell, G. R.	Wrightson, W. B.
Sandon, visc.	TELLERS.
Scarlett, James	Duncannon, visc.
Sebright, sir John	Rice, T. S.
Sefton, earl of	PAIRED OFF.
Smith, J.	Cockburn, sir G.
Smith, W.	Curwen, J. C.
Smith, hon. R.	Gladstone, J.
Somerville, sir M.	Hamilton, lord A.
Stanley, lord	Heathcote, sir G.
Stanley, hon. E.	Heathcote, R. E.
Stuart, H. Villiers	Huskisson, rt. hon. W.
Stuart, lord J.	Lindsay, hon. Hugh.
Stewart, J. (Beverley)	Maxwell, John
Stuart-Wortley, hon. J.	Montgomery, sir J.
Sykes, D.	Prendergast, M. G.
Sinclair, hon. J.	Phipps, general
Tavistock, marquis of	Smith, G.
Taylor, M. A.	Western, C.
Tennyson, C.	Wrottesley, sir John
Thompson, C.	Wilkins, Walter

HOUSE OF LORDS.

Thursday, March 8.

CATHOLIC EMANCIPATION.] Lord *King* said, he had several petitions to present to their lordships from a small portion of that oppressed class of people, who, in the last petition he had laid upon the table of that House, described themselves as the most poor and wretched people in Europe—he meant the Roman Catholics of Ireland. The first petition was a most loyal one. It contained as strong expressions of loyalty as if it had been drawn up by the learned lord on the wool-sack, and had more charity than if it had been drawn up by the whole bench of bishops. It came from the parish of Boyle, in the county of Roscommon.

Lord *Lorton* did not wish to oppose the petition being received, but he was anxious to make a few observations upon it. That petition might be the means of bringing him as a criminal before their lordships' bar; and their lordships would understand what he meant, when he read to them a speech made in another place [cries of "Order"]. He did not allude to any hon. member of the House of Commons, but to a member of the Irish Roman Catholic parliament. The speech of that person was in his hand, and with their lordships' permission he would read a part of it. It was as follows:—"Mr. O'Connell rose to speak against the unconstitutional conduct of lord Lorton, which ought to be represented to parliament, in interfering with people in the right of petitioning. It was in the year 1688, that king James was hurled from his throne for interfering with the people in the exercise of that right, which was the very essence of the British constitution. If such interference was thought sufficient by the people of England to cashier a monarch, what ought to be done towards lord Lorton, the petty tyrant of a village, for the same conduct?" Their lordships had just now heard a specimen of the proceedings of the Irish parliament, which would be truly laughable, were it not for the effect such language and such denunciations must have on the minds of a deluded people. The natural inference to be drawn from such language was, that the person proscribed was a tyrant, and hostile to the just rights of the people. The whole charge originated from a conversation he had held with two or three hundred of his tenants, upon the subject of that petition. He had recommended them not to interfere in any way with the petition which some individuals in the town wished to get up, as there was a general petition about to proceed from the whole county, which was to be presented by the duke of Buckingham. After some conversation, and without any threat being used, he parted with the persons assembled with a kindly feeling, and with the understanding that they would not attend the meeting where the petition in question was to be proposed. The

meeting did take place on the following Sunday in the Roman Catholic chapel, the coadjutor priest being in the chair, attended by persons who had lodgings in the town, but who had no other connexion with it whatever. After a great deal of abuse, the petition was carried. A report of the proceedings was sent up to Dublin, stating the whole transaction to the Catholic convention, through the means of emissaries, with the object merely to produce mischief. He had been for twenty-seven years constantly among the people, but he had never made a difference between a Catholic or a Protestant, either in his character of master of a family, of a landlord, or as a commander of a body of militia; for wherever a good soldier was, he was promoted without any distinction. Since he last had the honour of addressing their lordships, he had been animadverted upon in the Catholic convention by Messrs. O'Connell and Lawless, the latter of whom was the editor of a newspaper called the "Irishman," in which he had published his own speech. In one of the late meetings of that body, he had thought proper to say, that the observation contained in the speech attributed to lord Lorton, that the Protestants of Ireland were persecuted, was a lie; and that he would, at any expense, tell the noble lord the same to his face at the bar of the House of Lords. It was not his intention to move that Mr. Lawless should appear before their lordships, because he knew that that was the very thing he most ardently desired, and he should be sorry to make the man of so much consequence. He thought, however, that their lordships should take measures to put down that convention, from which much mischief had arisen, and which it was a disgrace to the country that it was allowed to continue.

Lord *Ellenborough* observed, that parliament had tried to put down that association, but had utterly failed; and would, so long as it left in existence the cause which produced that association; but he must say, that if the noble lord did not wish to give any consequence to the speeches of the men who attended that meeting, he should have adopted a better course than answering in the House of Lords the charges of a set of persons who met in a room in Dublin.

Lord *Lorton* said, it was very easy for noble lords who had never been in Ireland to get up and exhort others to refrain from speaking on such subjects as he had just mentioned. He would advise such noble lords to go to Ireland for a year or two. If the noble lord who had last spoken would go to that country for twelvemonths or so, he would then fall into his way of thinking. But he must confess that he could not keep his temper when a noble lord, who knew nothing of Ireland but what he might have heard in his walks through London, or have learned in that House, got up in the way he had done, and attempted to put him down. He threw himself upon the protection of the House. He could produce various letters from his friends, urging him to bring the individual he had alluded to to the bar of that House, but he had declined doing so, because he knew that notoriety was his object.

Lord *Ellenborough* said, that the noble viscount was mistaken in supposing that he was a stranger to Ireland. He had visited that country several times, and had been there for seven or eight months. He had also been present at the meeting of the very convention alluded to by the noble viscount, and had heard a debate upon the important subject of education, in which the principal speakers took a part, and he had never heard any thing more despicable than those speeches, nor ever saw persons more contemptible than those speakers in the whole course of his life.

Lord *Lorton* said, he would not occupy their lordships' time any longer; for if he were to speak all night long, he was sure he would not be able to convince that noble lord.

Lord *Redesdale* was convinced, that if the association was allowed to exist much longer, it would bring on a civil war in Ireland.

The *Lord Chancellor* said, he certainly would have wished to have observed the promise he had given on a former occasion, not to trouble them with his sentiments with respect to any thing referring to this question, until the subject should be brought regularly before the House, and he hoped and trusted that the notice of motion which had been given by a noble marquis would not be abandoned, in order that the House might fairly meet the question, and come to some decision upon it. He should, therefore, not have troubled himself now with making any observations, had not his noble friend (lord King)—if he would allow him to call him by that

name—for he had always acted with great kindness to that noble lord, who had, however, shown no little hostility towards him —thought proper to refer to the learned lord on the wool sack, and to state that the petition he presented was one which was drawn up in such a way, that there was hardly any thing in it to which that learned lord would not agree; and he therefore begged to state, that there was scarcely one word in it which he did not reprobate. With respect to the paragraph which had been read by a noble lord from an Irish newspaper, he certainly did not know what to do with it; for, as to any observations that might be made at the convention, as the noble lord called it, unless they were made upon the proceedings of that House, their lordships had nothing to do with it. He could not help believing that a great deal was going on in Ireland, of which their lordships had no idea. One noble lord was called a liar in one of the papers of that country. But if noble lords published their speeches—which was something very like a breach of privilege—the observations upon those speeches formed no foundation for any proceeding by their lordships; but if those observations were stated to be a comment upon the debates of that House, he knew very well how to proceed. He could not, however, believe, upon the authority of newspapers, that such things had passed in Ireland; because he was quite sure it was impossible that such things could pass there, if evidence were taken to juries, proving that an individual of the legislature had been abused in that convention. He, therefore, must be of opinion, that such things had not passed in that country as had been represented.

The Marquis of *Lansdown*, after the allusion which had been made to the notice of a motion which stood for to-morrow sennight, thought it his duty to state, that he had not intended to open his mouth on the subject, until he gave their lordships notice to-morrow night, with respect to his intention of bringing forward his motion or not, after what had occurred elsewhere. But, whether he should still avail himself of the right to bring forward his motion—and in the exercise of that right he should pursue that course which appeared to him most desirable for the attainment of the great end he had in view; whether he should still bring forward his motion, or whether he should not, he would state his reasons most fully, either for bringing it forward, or for abstaining to do so.

The Earl of *Clancarty* expressed his sorrow, that the bill for putting down the Catholic Association had ever been introduced into parliament. It was an injudicious measure. The common law of the country was sufficient of itself for the purpose; and it was the duty of the law officers of the Crown to put that law into effect. The learned lord on the woolsack did not seem to place much reliance upon those publications, in which an account was given of the most extraordinary proceeding which had taken place in the Catholic Association. He must say, that he differed entirely from him. He felt convinced, that as much passed in that meeting as ever met the eye of the public. With respect to the conduct of the law officers of the Crown, that he thought required some explanation. He should be very sorry to be connected with those who stood in the character of law officers in Ireland, because they appeared to act with considerable negligence, in what he should conceive to be the public business of the country.

Lord *King* wished to state, that there was not one objectionable word in the petition.

The Earl of *Kingston* said, he was satisfied that the petition expressed the sentiments of the town from which it proceeded; but he believed that three well-known individuals had done more harm to the cause of the Catholics than anything else.

Lord *Clifden* did not rise to defend the disgraceful language which their lordships had but lately heard. The use of such language had done great injury to the cause of Catholic emancipation. Noble lords talked about putting down the Association. At the time when the duke of Richmond went over to Ireland, they had tried to put down the convention of Catholics. Prosecutions were instituted; torrents of abuse ensued. Some of the prosecutions failed, and others were successful. But what was the upshot? The Catholics still continued to meet; and they always would meet; for it was impossible to crush millions. He extremely regretted the rejection of a measure in another place, intended for the peace of Ireland. The Apostolic party in France and Spain would receive, with transports of joy the news of the failure of that measure,

and would take advantage of it. Spain looked with jealousy upon the Portuguese constitution. She knew she must fall to ruins if that constitution continued, and she would therefore make every endeavour to put it down. We were bound to protect Portugal, and France to defend her ally, Spain. If war arose, we should fall foul of France. The trade of America must be carried on in neutral bottoms; and then would arise the right of search, which would involve us in a war with America; in which country he was sorry to say that no friendly feeling existed towards us. The press of America was mostly in the hands of his countrymen, who had been driven from Ireland. Their lordships might then conceive the condition which this country would be placed in, and what would be the consequences of again being entangled in war; within an inch of which he believed it to be at present, and which could only be averted by conceding to the Catholics their just rights.

The Earl of *Mountcashel* rose to deprecate the assertions which had been made by the noble viscount who had just sat down, and which only echoed the sentiments of the demagogues of the Catholic Association. It was such language that gave those orators courage. It was repeated from the north to the south, and from the west to the east, and the people took fire at it. He asked their lordships, whether such language was not likely to increase the dissatisfaction which already existed? He could not sit quietly and listen to such observations; especially when they came from one who was, he must speak plainly, an absentee from his country. The demagogues in Ireland would make use of them for their own advantage. They would say, "it is impossible to put down the Catholics; it is impossible to resist the expression of sentiments uttered by millions of men." It was very easy to mention numbers. Now, taking the population of Ireland to be seven millions, which he believed to be the utmost, there were out of that number one million two hundred thousand members of the Church of England and Dissenters; and, in addition to that, there were eight hundred thousand Presbyterians, making altogether two millions. There would, of course, remain five millions of Catholics, being a proportion of five to one, or of two Roman Catholics and a half to one Protestant. That was not such a mighty disproportion as to make the Protestants tremble at the speeches of O'Connell and Sheil, if they acted with one mind, and continued faithful to their king and country. There was a system of bullying carried on in Ireland, an attempt to stop the mouths of the Protestants; but it would not be found successful.

The Marquis of *Lansdown* said, that a clear proof at least of the perfect impotence of the Catholic Association appeared in the fact, that they had been unable to effect the irobjects of closing the lips of the noble lord who had last spoken. For himself, he was very glad that they had failed in any such endeavour; and should always be happy to hear the opinions of the noble lord upon the political prospects both of this country and Ireland, provided that he and his friends were allowed the opportunity of refuting them.

Ordered to lie on the table.

CORN LAWS—NEW SCALE OF DUTIES.] The Earl of *Lauderdale* rose, pursuant to notice, to move for a select committee, to inquire into the terms and prices, subject to which foreign grain, independent of duty, could at present be imported into England. He had been in doubt, the noble lord said, when he had first heard the course intimated, upon which ministers were about to proceed in their inquiry into the system of the Corn-laws, whether it would be better for him to move, as he was now about to do, for the appointment of a committee, or to come down to the House at once, with resolutions upon the subject. Under that uncertainty, he had made up his mind, as the House was, at last, so near being made acquainted with the mysterious secret of what was to be done with respect to the Corn-laws, to wait to see what the actual plan was, before he took any step in opposition to it; and certainly, if any proposition more than another could have made the motion with which he was about to conclude absolutely necessary, it was the proposition into which the long-concealed and curious policy of the noble lords opposite had at length resolved itself. The plan proposed was not merely of a character such as had never before been adopted in this country, but such, he would venture to say, as never had been heard of before in any community endowed with common reason: it was a plan to levy a duty upon a commodity to

be taxed, to be rated, by the price of another commodity which was not to be taxed. It said for example, that when the price of corn in this country was at 60*s*. foreign corn, without any reference to its own price, should be imported at 20*s*. duty; and that this duty of 20*s*., without any regard to the fluctuations of the article on which it was to be paid, should become higher or lower, as the price of British corn rose above the average of 60*s*. or fell below it. Why, surely, this very principle of proceeding was not more in the teeth of all precedent than of common sense. Surely, the natural and reasonable course for the legislature to have pursued, in attempting to fix the duty at which foreign corn ought to be admitted into this country, would have been to have endeavoured to ascertain, as nearly as possible, at what price it could be brought here—to have determined the fair price at which corn could be grown in England—to have ascertained the price at which it could be exported from abroad—and to have imposed such a duty, as would have made the one equal to the other. He knew the reason perfectly well, why the present slovenly course had been preferred. The fact was, that, with reference to fixing the price of foreign corn, there were scarcely two ports on the continent at which the price of corn would be found the same. If this had been attempted, difficulties in abundance would have arisen: there must have been a graduated scale made out for the different prices and qualities of corn; and even then the mere difference of seasons would have been sufficient to render any plan fixed with an anxiety for fairness abortive. It seemed never to have been recollected, that our ancestors must have viewed, and speculated upon, this subject —that they had seen the advantage of establishing a fairly graduated scale, could it have been done, but that they had shrunk from the task, because they felt that it would be impossible to go through with it. But the present government seemed to have no other desire than to hold itself ready for any experiment which might be suggested, for tampering with and involving the affairs of the country in difficulties. What must be the first consequence of the scheme under consideration, if it was adopted? Let any man in the House tell him what data any tenant could have to offer rent for a farm upon, or any landlord to accept it? The noble lord near him (lord King) was accustomed to speak of the avarice of the landed interest. He rebutted the charge, and he knew that if a harsh or an avaricious project were proposed, the landowners would be the first to revolt at and to oppose it. But what noble lord, he asked, would rise up in the House and state any rule by which, subject to the new arrangement, any proprietor could be sure that he did justice to his tenant and to himself in leasing him a farm? In the country in which his property lay, most of the land was held upon lease; much of it was also held upon lease in England, although a good deal was taken merely upon the word and good faith of that landed interest which the noble lord was so much disposed to vilify. He would never have stood up to argue the question in that House, if he had not felt that he supported the manufacturer even more than the agriculturist, in desiring that those laws which had been acted upon in this country for four hundred years, and which were interwoven in a manner with the constitution, should continue to be upheld at the present day. He was told by a party of theorists, who proceeded not by argument or reason, but, like the noble lord near him, by assertions firmly and continually repeated, that the landed interest enjoyed a monopoly in this country: A monopoly, as he understood the word, implied that either a single individual, or a number of individuals combining, had the market for any given commodity so completely in their hands as to be able to influence the price at pleasure. Did any man mean to say that the corn market was in that situation in this country? Did they believe that five hundred and sixty thousand persons, all, from peculiar circumstances, placed perhaps in different situations as regarded their interests—some capitalists, who could afford to wait for a price—some men without capital, who must sell from hand to mouth—some just entering into farms—some selling their stock in order to quit them—did any body believe that these men could combine, so as to raise the price of corn in England when they thought fit? If noble lords looked back to the best times of our history—times when there was no importation of corn at all—where was the instance of a cry of monopoly then? But if the proposition before the House was

carried, there would be monopoly enough; there would soon be a monopoly in the corn market whatever there might be of the landowners. It was said, that this plan had been brought forward after much trouble and consideration. Let the House see to what it directly tended. Let them just suppose any party of the great merchants of this country, of whose extent of capital and facilities for speculation every body was aware, let them suppose a party of merchants combining for a speculation in the corn market. Nothing could be more simple and easy than to do this: nothing more certain than that it would be done. At one period, he recollected, an attempt had been made to give some freedom of trade in corn; but the combination of the merchants had actually destroyed it, and compelled the government to interfere. The new system gave a convenience to jobbing in the corn market far above that already in existence; seeing that a weekly average was so much more easily effected than an average of three months; the quantity of capital required for such an operation being considerably less. Now, at 60*s.* average in England, corn, according to the new scheme, might be imported at 20*s.* duty. Was it an extravagant supposition, that a party of merchants purchasing a million of quarters of foreign corn, and having it ready to throw into the market of this country, might, by a sudden purchase of British corn to the amount of 200,000*l.*, raise the average from 60*s.* to 70*s.*; thereby getting their foreign corn in at 1*s.* a quarter duty, instead of 20*s.* and clearing a million sterling by their speculation? It was weakness to suppose that this would not be done, if there was a possibility of doing it. No merchants in the world ever abstained from combining, when they found it to their interest to do so. If this scheme was persevered in, the effect of it would be no less than allowing corn to come to England duty-free from all quarters of the world. He should presently show the House at what price foreign corn could really be imported: but the principle here was too important to be lightly lost sight of, for it was impossible that it should not end in the absolute ruin of the British agriculturist, and in leaving the country dependent upon foreigners for its supply. Of all the seasons which his experience had witnessed, the present was certainly the most extraordinary that could have been devised for trying such an experiment. Only two years ago, the House had been told, in the most authoritative terms, in a declaration no less solemn than the Speech of his Majesty in person, in February, 1825, that there never had been a period in the history of the country, in which all ranks and orders of the people had been so contented. Yet, what was the price of corn at the time when that speech was delivered? It was 69*s.* a quarter. What was the price now, when experiments were to be resorted to, to save the country from ruin and monopoly? It was 53*s.* Would it be contended, that 53*s.* was an unreasonable price? No, it would not; for the deception of the new plan was, that it hung out a sort of semblance of considering 60*s.* an average remunerating price. The fact was, that it gave no security up to that price; or to any thing approaching to that price. The probability was, that, one year with another, taking the average of seasons, foreign corn would be capable of being brought into this country at 25*s.* a quarter. The pivot upon which the new plan turned was this—at a price of 60*s.* in the home market, corn might be imported at 20*s.* duty; and as corn in the home market rose or fell 1*s.* a quarter in price, the duty on foreign corn—taking the contrary motion—rose or fell 2*s.* a quarter. Now suppose the price of foreign corn in this country to be 25*s.*—and he was ready to prove to the House that, within the last month, corn had been landed from the Baltic as low as 23*s.*—but granting it to be 25*s.*, the price of corn in this country now being 55*s.*, there would be a duty of 30*s.*, making the whole cost 55*s.*, so that even at the present low price of corn, the new scale of duty gave no protection to the home farmer. But this was the least of the evil; the scale must be more carefully examined. Because, suppose that foreign corn rose to 30*s.*, then, say the price was 60*s.* in the home market, and the duty payable consequently 20*s.*; so far from being a protection, the foreign corn cost only 50*s.*, and we were undersold 10*s.* a quarter in our own markets. Then go further still, and suppose foreign corn to reach the price (which was hardly possible) of 34*s.*; then, with a price at home of between 57*s.* and 58*s.*, the duty would be 24*s.*, making up 58*s*, too, so that we

should barely have a protection at 58*s*. with a price so high abroad as 34*s*. The fact was, that these calculations as to the price of foreign corn were made altogether too high. Corn had been landed at Hull under 25*s*. within the last two months. And even if foreign corn were at the absurd and impossible price of 40*s*. with a 20*s*. duty, it only in that case amounted to a protection to the home farmer as high as 60*s*. It mattered, indeed, very little what protection the new scheme gave, for its provisions were capable of being, with the most perfect facility, evaded; but this was the fact. The plan would put an end to fair importation; for few merchants would care to give a commission upon the faith of a weekly average! and, by an exertion at any time of considerable capital, vast quantities of corn would be capable of being admitted, duty-free. He repeated, that the mere circumstance of the weekly averages made this scheme the most fatal for the country that ever had been invented. His peculiar dislike to the existing system had been that very feature in it—the averages. He had not objected to the Corn bill of 1815, because he had felt a deep confidence in the noble lord by whom they had been brought forward; and who had told him, that he considered them as forming a final settlement of the question. The project now before the House was strangely called lord Liverpool's project. If that noble lord were then present—and nothing on earth could give him more pleasure, if it were possible, than to see him present,—he would not believe it was his project, unless the noble lord personally gave him an assurance of it. He could not believe that this measure had originated with lord Liverpool; and he did not believe it. If he wanted evidence to the contrary, it was unnecessary for him to go further than the Journals of the House. Was he mistaken if he said that, on looking to the Journals of the House for the year 1814, he found the embryo of the present plan—evil communications corrupted good manners. It was the plan of a person then entirely apart and distant from the earl of Liverpool, but who had since become connected with the noble earl—the right hon. gentleman at the head of the Board of Trade. He spoke plainly, and he would do so. He knew where the plan had come from. He had seen the project more than twelve months ago; it had then come out of Mr. Huskisson's hands; how did it now become an original idea in the mind of the earl of Liverpool? But, he did not believe the fact, that the earl of Liverpool was connected with this project. This was a new measure, and its author was, probably, not quite sure of its success. It was prudent, perhaps, in the first instance not to avow himself, when his object was to demolish a system which had lasted for ages. This, at any rate, he knew, that when he had lately heard of some person vapouring, that he had stretched forth his hand and called a new world into existence for our manufactures, the work was not then the earl of Liverpool's, but all his own. But now, under the uncertainty that attended this measure, it was thought better to palm it upon the earl of Liverpool. He repeated, that he did not believe it was that noble lord's measure. It was contrary to the principles of the school in which he was educated. That noble lord had been taught to reverence ancient institutions. He was not the individual to throw the country into confusion, for the sake of a set of wild theories. He entreated the House to reflect upon what had passed with reference to the silk trade. All the boasted measures for introducing a free trade had for their real object this attack on the Corn-laws. Did he speak unadvisedly when he said, that all these measures had ended in vapour? Three or four years ago, a bill was passed to take effect at the end of the session, by which a duty of 30 per cent *ad valorem* was imposed upon foreign silk goods, for the protection of the home manufacturer. This was considered a tolerable safeguard. But those who made that experiment had been deceived in the result, as would those be who were pushing forward this new plan for the ruin of the country. At the time this bill was passed, any quantity of silk goods might be insured at Paris for delivery in London at 15 per cent. The English silk manufacturer would, therefore, in effect, have been exposed to a rivalry on those terms if the bill had been suffered to go into operation. But, four or five days before the close of the session before last, an act was smuggled through that House altering the intended system altogether. By that act, the duty of 30 per cent was repealed, and instead of it, a duty imposed upon the weight of foreign manufactured silk. No longer was

there any thing like free trade to be permitted. Importation was to take place only at the port of London; and, to crown all, it was to be allowed only in pieces of thirty and sixty yards in length. The moment the silk manufacturers heard of this change, they looked with gratitude to the head of the Board of Trade, and said, "We have better protection than ever;" for they well knew, that if the French silks were measured by the thumbs of Custom-house officers, they were perfectly safe. All these pretended experiments had really for their object the present attack on the landed interest. Spitalfields was as secure in its monopoly as before. He could cite other instances of the hollow policy of the ministry, but he should fatigue their lordships. It was said, that the country had one common interest in this question. He believed so sincerely; but then he thought the law should be, that the importation of all foreign corn should be prohibited, leaving it to the discretion of the privy council to open the ports when parliament was not sitting, but reserving that power at all other times to parliament itself. That, he was convinced, would be the best possible law that could be framed. He thought so, because the price of grain varied from year to year, and no permanent legislation could take place on so changeful a subject. The interest of the consumer would be better protected by the watchful eye of parliament, and the lords of his majesty's council. He could not refrain from noticing a passage in a recent speech made in another place. The speaker (Mr. Canning) had observed that, "after very nice experiments, he had given the balance of principle to trade, and the balance of price to the landed interest." Never had he heard a phrase so foolish and absurd as this! The only way in which he could interpret this passage was, that its meaning to the trading interest was, "We have beat the landed proprietors out of their strong hold—the ancient usages and laws of the country, established by their ancestors; and though we have given them on this occasion, the balance of price, yet that can be easily altered at any time." If the landed interest ceded the balance of principle, they would give up all. But it was not true that the balance of price had been cast in favour of the landed interest. For every one shilling raised in the home market, the foreign merchant gained an advance of 3*s*. This was 300 per cent: yet it was said, that the balance of price was cast in favour of the landed interest! He trusted that the House would be true to itself and to the country, and stand firm against an experiment which he believed, in his conscience, was calculated not only to level the landed interest of England with the dust, but in an entirely equal degree, the manufacturing classes. What could be done by the expected reduction in the price of corn? to what extent was it supposed it could be carried? Suppose, for the sake of illustration, that corn could be bought 14*s*. a quarter lower than it was at present. This would be sufficient to make to the landowners all the difference between wealth and almost beggary. He presumed that much more than this could not be anticipated. Now, what would the manufacturer gain by this reduction? So far from gaining, he would lose—lose almost to his own destruction. Fourteen shillings was equal to three hundred and thirty-six half-pence. In the year there were three hundred and sixty-five days. Then, assuming that every man consumed one quarter of wheat in a year—which was perhaps about the fair calculation—his gain by this reduction, which ruined the landlord, was not quite a half-penny a day. Now, did the House believe that if a manufacturer could be asked, whether he chose rather than his men should pay a half-penny a day more for their corn, or that the home trade should be knocked up, that he would hesitate a moment in his election, and agree to pay the higher price? He would know that there could be no comparison between the present state of things, and that to which he would be reduced. With this conviction, it was his earnest hope that the sense of the House would be taken on the present proposition; and that the result would be a determination to support the ancient policy of the country in preference to entering into wild and ruinous experiments. But even if an experiment was resolved on, with reference to the bringing in of foreign corn—it was impossible that the present plan should be adopted, or that the House should act at all in the business of fixing a duty, without being informed as to the price of foreign grain. To attempt to legislate upon this subject, without regard either to the facts of what price at home would be sufficient to re-

munerate the farmer, or to the terms upon which corn—the article to be taxed—could be brought from abroad, seemed to him to be little less than entire mistake and error. He should, therefore, sit down with moving, "That a select committee be appointed, to inquire into the prices at which foreign corn can be shipped from different foreign ports; distinguishing the qualities of grain, and stating the quantity which might be supposed capable of being supplied for importation into this country."

Earl *Bathurst* said, he felt himself called upon, in the first instance, to allude to an observation, which he was sure must have escaped the noble earl in the hurry of speaking, and which he would himself regret having given utterance to. The observation to which he alluded was, to the effect, that the propositions lately submitted to parliament, on the subject of the corn trade, had been forced upon his unfortunate colleague the earl of Liverpool, whilst he was lying on a bed of sickness. He was at a loss to conceive what ground the noble earl had for such an assertion. Could the noble earl—could any individual in that House—have forgotten, that before Christmas his noble colleague gave notice, that certain measures on the subject of the Corn-laws would be submitted to parliament by government immediately after the recess. Again, could it be forgotten, that his noble colleague, after the recess, gave notice that he would himself bring forward those measures in that House, although they would, at the same time, be submitted to the other House of Parliament—an unusual course of proceeding, but one which his noble colleague adopted for the express purpose of showing that he took a deep interest in the measure—that it was the result of mature reflection, and that upon it he would stake his political character. Such being the case, he was sure the noble earl would, upon consideration, regret that he had made the assertion, that the measures in question had been forced upon his noble colleague whilst he was on a bed of sickness—an assertion for which he must be permitted to say there was not the slightest foundation. [The Earl of Lauderdale observed, across the table, that he had not stated the case so strongly as the noble earl put it]—Having said thus much, he would shortly advert to the subject before the House. The noble earl, in the course of his speech, had gone into a variety of calculations of the rate at which grain could be imported from different places, for the purpose of showing, that the protecting duty proposed in the measure lately submitted to parliament by government, was not sufficient. He did not intend to follow the noble earl through those topics, for this plain reason—that he did not mean to oppose the motion which had been submitted to their lordships. The price at which grain could be imported from Riga, Dantsic, Odessa, and other places, would be the subject of examination in the committee, which it was the object of the motion to appoint, and any discussion upon that point, at present, would be premature. He would therefore postpone any observations upon that subject until the report of the committee should be placed upon the table, and confine himself to saying a few words with respect to the general principle upon which the noble earl's reasoning on the subject of the trade in corn proceeded. The noble earl said, that the plan of graduated duties was totally new. [Lord Lauderdale said "No."] He certainly understood the noble earl to say, that the idea was new, and that in order to carry it into effect it was necessary to know the price at which grain could be brought from each of the various exporting ports. The noble earl must be perfectly aware, that in the reign of Charles the 2nd that very principle of a graduated scale of duties was established. At that time a duty was imposed upon the importation of corn up to the price of 55*s.*; and when that price was attained, a scale of duties was imposed, gradually diminishing as the price increased. Upon that occasion no examination was entered into, with respect to the price at which grain could be imported from the respective exporting ports. In 1776 a graduated scale of duties was imposed on the importation of grain, and then no previous examination, such as that which the noble earl declared to be necessary, took place. Before that bill passed, there had been no previous examination by a committee, of the price of grain in different ports of the continent. The principle upon which the plan proceeded was, that 17*s.* was a protecting duty when grain was at a certain price. It ought to be recollected, that the bill of 1822 was that measure with which the petitioners professed themselves completely satisfied; and the prayer of

the landed interest was, that there should be no alteration of it. It was material, then, to inquire how it gave that ample protection to the farmer which afforded such unqualified satisfaction. He need hardly state, that the higher the price of wheat, the greater was the encouragement for importation, supposing the ports open; and that the design of the duty of 17*s.* was to limit and control that importation. If it were efficient for this object when wheat was at 70*s.*, it must be still more sufficient when wheat was at 60*s.* Then, what was that protection? When the price of grain was above 70*s.* and under 80*s.*, it might be imported at a duty of 17*s.* for the first three months, and whatever might be the market price during that interval. Supposing the market price during that period to be reduced to 50*s.*, the ports would continue open notwithstanding, and the only protection to the farmer would be, that the duty would remain 17*s.* over and above that market price of 50*s.* If, then, the foreign merchant, as the noble earl had asserted, could send wheat to England at 25*s.* per quarter, the duty of 17*s.* added would only make it 42*s.* per quarter, at a time when the market price of wheat was 50*s.*, and the farmer was absolutely without protection, from the redundancy of foreign grain poured into the country. Yet this was the law of which the petitioners were so fond, and in which they wished to have no alteration. The noble earl had observed upon the facility with which the price of grain might be raised, so as to allow of importation. So it might be; but let the House look at the operation of such a system under the old law of 1815. Under that statute there was no graduated scale: it was an absolute prohibition under 80*s.* and unrestricted importation when that price had been attained. What was the protection then? If, on the average of the last three months, the price of wheat was 6*d.* below 80*s.* the ports continued closed, although it might happen that, for the last four weeks of that period, the quotation had been considerably above 80*s.* The interest of the factors undoubtedly was to raise the average, and of the farmer to keep it down, in order that the ports might be kept closed. If, on the average of three months, the quotation was 6*d.* above 80*s.* per quarter, the ports remained open; although the market price of grain for some time before the average was struck, might have been far below it. He would not trouble the House with any further remarks at present, and should postpone what he might have to say on the importation price of grain until the report of the committee was upon the table.

The Earl of *Rosslyn* said, that persons would be induced to suppose, from the manner in which the noble earl who had just addressed their lordships had spoken of the existing corn laws, they had been framed by individuals whom he held in little consideration, whilst, in fact, they were the work of himself and of his colleagues, and all the objections which he now urged against them had formerly been disregarded when forced upon his attention. With respect to the new system proposed by ministers, he was of opinion that it would produce a ruinous effect upon agriculture.

The Earl of *Lauderdale* denied, that he had asserted, that the new measure respecting the corn trade had been forced upon lord Liverpool whilst he was on a bed of sickness. All that he had done was to contrast the conduct of certain persons in one situation, and in another; and he left the House to draw what inference it pleased. That the noble earl had drawn the inference which he had stated was not his fault. If, however, he had rashly committed himself, he had nothing to do but to print his speech, according to a high example, and to leave out the objectionable passages.

Lord *Redesdale* expressed his objection to the measure now in progress for altering the existing laws.

The Earl of *Roseberry* approved of the motion which had been submitted by his noble friend, although, if its object had been a more extended inquiry, he would have opposed it; because he thought the question, which was of vital importance, ought to be brought to a speedy settlement one way or another. If the new measures should be adopted, some alteration would, he thought, be necessary in the prices of barley and oats contained in the schedule on their lordships' table; otherwise the greatest distress would be occasioned in that part of the kingdom with which he was connected, and, if he was rightly informed, in Ireland also. If the prices in the schedule with respect to barley were not modified, the result would be destructive to agriculture in the counties of Norfolk and Suffolk.

Lord *Bexley* was desirous of contradicting the notion, that the new measures with regard to corn had been forced upon the noble earl at the head of the Treasury. He could take upon himself to declare, that it had been the perfect intention of that noble earl to propose the measures himself, and that they were founded on his own personal observation, and drawn up with great deliberation. At the same time, their lordships must be aware, that as the members of government were in constant communication with each other, it was almost impossible to state positively with whom any particular idea originated. He thought it was premature to discuss the subject at present, as it was possible the measure might come up from the other House in a very different shape from that in which it at present stood. When, however, that measure should come properly before their lordships, he thought he should be able to satisfy them, that it was much more consonant with the wisdom and practice of their ancestors than the existing law.

The motion was then agreed to, and a committee appointed.

HOUSE OF COMMONS.

Thursday, March 8.

Corn Laws.] The Chancellor of the Exchequer moved the order of the day, for the House to resolve itself into a Committee on the Corn Trade Acts. On the motion, that the Speaker do leave the chair,

Lord *Clive* rose, and addressed the House to the following effect:—For a period of nearly twenty years he had had the honour of giving his general support to the measures introduced by some of the members of his majesty's present government; but, of all the occasions upon which he had ever felt it his duty to dissent from them, he remembered none more important than that upon which the House was now called to go into a committee. He should take the liberty, at the very commencement of the address which he proposed to deliver to the House, to read to them, with their permission, a Resolution, which would, in the shortest and clearest manner, express to them the sentiments he entertained on the subject. This was a course of proceeding, he was fully aware, somewhat different from that usually pursued by hon. gentlemen, who were accustomed to propound their Resolutions at the end, and not in the beginning of speeches. He preferred, however, this mode of proceeding, and his resolution was, in substance, this:—

"That it is necessary to give protection to the growers of British corn against the importation of corn the produce of countries not cultivated by British subjects, nor liable to the payment of the same taxes, on a principle similar to that established by the law of 1822, until grain shall have reached, in this country, the price of——(a price hereafter to be determined), in order to enable the British agriculturist to make his accustomed payments, and discharge his government and local taxes; to give to the consumer the prospect of a moderate price of grain during a number of years; and to Ireland and the Canadas a preference in respect of importation."

He hoped that the House would do him the favour to observe that, in this resolution, he had carefully abstained from naming the specific price which it might be proper to assign with regard to the protection of the British grower. In the view which he took of the subject, he owned that he considered it pretty immaterial what that duty might be stated at hereafter; for he was satisfied that that was a matter which might be left, with far more advantage, to be ascertained by his majesty's ministers, than by any hon. gentlemen not sitting on the same benches with them. In the mean time, his clear conviction was, that no adequate protection could possibly be given, under the system at present proposed, to the British farmer. Let them but have a fair field given them, and Englishmen, in every station of life, whether as farmers, or as occupying any other station, would always be found able to maintain themselves, and make good the ground upon which it was requisite they should stand. But the situation we were at present proposing to take, was one in which it was manifest that the British farmer had no chance of competing with others on equal ground. The result would be, not to place him in competition with the foreign farmer (against whom the government, by imposing a duty on his imported produce equal to the difference between the taxes on raising grain in foreign countries, and the taxes on its production in this, might, perhaps, protect him, and so enable him to compete with this foreign grower), but to place him in

competition with the greatest and most powerful rival in the world—the British capitalist. The British capitalist, under the system lately suggested for the adoption of parliament, would bring in, just in any quantities he might choose, foreign grain, when the duty of that commodity was low, and keep it in his warehouses, until some season at which that duty should attain a higher rate. He had heard, this very day, of a case in point. A person had made a large purchase of foreign wheat, at 21*s.* the quarter; freight upon this made it about 8*s.* more. Suppose that, between the present period, and the commencement of the next harvest, when grain, in the ordinary course of these matters, would attain a higher rate of price than at other periods of the year, the price of British corn should reach that designated in the Resolution now under consideration, of 60*s.* per quarter; for, with the right hon. the Secretary for Foreign Affairs, he would take that as the medium price, and he would suppose the duty of 20*s.*, now suggested, in operation. Under these circumstances, the person alluded to would import his foreign wheat at 49*s.* the quarter. Now, this being so, it would be morally impossible for the British farmer to bring his own corn to market with the least possible chance of sale, against the competition of foreign grain, brought into it at so much lower a price than he could manage to raise it. He entreated the House to consider, what must be the consequence of placing the British grower in this predicament. If the farmer was unable to maintain himself during any long interval of time, the result of that inability would obviously be, that he must endeavour to save himself, by diminishing that produce for which he could not find a market. But this was not all. The further consequence must be, first or last, great suffering to the consumer. That the farmer must be the first sufferer, he did not at all intend to dispute; but in the next instance, the suffering occasioned by the lowered price of corn, must fall on the consumer himself. But, as he hoped, before he sat down, to enforce this point upon the House in language much stronger than any which he could himself employ, he trusted the House would allow him to call their attention to the state in which the agricultural interest of the kingdom now, in 1827, stood. For his own part, if he objected to the principle of the proposed measure, he objected still more to the time at which it was brought forward. In 1815, the first experiment as to a change in the laws affecting the corn trade, was introduced. Subsequent to that experiment, there was effected a great alteration in the currency. In 1822, another experiment was made, accompanied by an avowal, on the part of a noble friend of his, now, unfortunately for the country, no more, that at some future time there would be effected a further alteration in those laws. But at the time that the late lord Londonderry made that declaration, he had obtained an enactment, that the currency of the country should remain on the same footing as it then stood, until the period at which the Bank charter would, by law, expire; namely, the year 1833. Now, what was our present state? In the course of last year, the government had made a great alteration in the currency; the result of which was to afflict and depress the agricultural interest, far more than the wildest speculations which, for two or three preceding years, and about the same time, had been indulged in, to the great injury of our commercial prosperity. In the mean time, the effect of the measures to which he was alluding, had proved most fatal to the landed interest; and, though the bounty of Providence, had, some seasons before, given us one of the most extraordinary harvests ever known, those measures had prevented it from proving any great boon to the agriculturists. Besides, last year, the grain harvest yielded from one-third to one-half less than that of the preceding year. Added to this, it should be remembered, that fodder, and winter stock of all descriptions, had fallen almost equally short; so that this year the farmer had not only realized that produce in grain, which he might have reasonably expected; but he had been under the necessity of putting himself to a very great expense in order to keep up a sufficient supply of the winter stock necessary for the maintenance of his farm, or, in the alternative, to part with his farm at a heavy loss. Two most untoward circumstances had, therefore, operated, during the last year, on the agricultural interest. One was—the steps which had been taken in respect of the alteration of the currency; and the other, the deficiency of the corn crop, last year. —He now came to the third step; and how could the farmer be expected to make

his payments, under such a system as this third measure would introduce? while he would, at the same time, be doing so in the assurance, that it would be followed up within twenty-two or twenty-three short months, by a still further alteration of the currency? If this measure was meant equally to affect all classes of the agricultural interest, it would not answer its intention; for, how differently must it operate on two distinct descriptions of farmers, with whom it was his fortune—his property lying in very different parts of this country—to have been connected. His own property was laid down nearly as much in grass as in grain. In the more distant counties the lands were appropriated principally to grain; nearer to the metropolis the reverse was the case; and, upon properties of many hundreds of acres, there would be frequently found on each not more than thirty acres of grain; so that the proportion of grain would, in those instances, be not more than one-tenth as to the grass. Honourable gentlemen might judge from this, how materially different the effect of such a measure as that proposed would be, upon the produce of a farm taken altogether as a grain farm, and the produce of lands comprising, in fact, altogether, a grass farm.—The House would now permit him to direct their attention to the present condition of the kingdom, so far as the growth of corn this season might be concerned. He believed he was correct in stating, that probably a greater breadth of wheat had been sown last autumn in this country, than had been sown here during a considerable number of years. A great additional quantity of land had been generally reserved for this purpose, with a view to remedy the deficiency of last year. If we should have a good harvest this year, the produce would, in all probability, prove far greater as to quantity than the produce of any former year, for a long time past. At the present moment, it was generally understood, that between seven hundred thousand and eight hundred thousand quarters of foreign grain were lying in warehouse; and he believed he did not exaggerate in stating, that between this time and the next harvest there would be from three hundred thousand to four hundred thousand quarters more imported into Great Britain. Add to this the probable produce of such a greatly increased breadth as had been sown last season at home, and it would be easily computed how vast a supply there would be ready for the market. He would be glad, then, to know, what chance of protection the British farmer would have against the foreign grower, under this state of things? The farmer, at all times, stood in a peculiar, and a very singular situation. If he failed at one season, he would scarcely recover himself at another. The merchant, on the contrary, had a chance of recovering himself from the losses he might experience in one or two unfortunate years, by the successful results of a third. But very different was the case with the farmer, and, more especially, under a system like that now proposed to be introduced; for he could have only, at the best of times, a certain price for his produce; and, should ever the price of grain in the market exceed that stipulated sum, importation would immediately take place, and he must be exposed to the competition of immense stores of corn, raised at an expense infinitely short of that which he would be liable to, in growing the same quantity of grain. To him (lord Clive) it appeared impossible, but that, under the measures and the scale of duty now proposed to be adopted by his majesty's government, the British farmer must, in a limited number of years, be reduced to beggary. When the resolution in question was brought in, he had hoped that ministers would have accompanied it with some measure of protection to our own agriculturists; and such a protection, he could not help saying, they were, upon every principle, fairly entitled to. The result of the proposal, if it should be carried, would be to place in the hands of the government somewhere about 1,000,000*l.* per annum; for, supposing the importation of foreign grain was annually about one million quarters, this would be the product of a twenty shillings duty per quarter on the importation. With the prospect of so much benefit, then, to arise from the measure suggested, some little attention should have been, at the same time, paid to the case of the agriculturists, who were so much the sufferers; and this kind of relief might have been afforded, by the repeal of one or more of the taxes pressing most heavily on that interest [hear, hear.] If any such intention were entertained by government, surely it would be a boon perfectly well received by hon. gentlemen in that House, and very grateful, at the same time, to the agriculturists,

to have the duty on foreign wool reimposed. Some bounty, again, might be given to the grower of British corn, in proportion to the increased produce he should be able to raise—an assistance and a stimulus which might, perhaps, be found to go very far in enabling him to compete with the foreign grower. In point of fact, it was at present admitted, on all hands, that the British farmer would require protection; and to show how little even such a bounty would compensate him for the loss he must suffer by the competition of his growth with foreign produce, it was sufficient to say, that a long course of years must elapse, however much he might increase the amount, or lessen the expense of his own production, before he could dispose of his grain in any other market.—Having said thus much, he could only again take the liberty of urging on his hon. friends on the bench below him, the propriety of not further pressing the resolution they had introduced, until they had taken some steps for placing the currency of the country on a sure and permanent footing [hear, hear]. They might be assured, that the alterations which took place in that currency last year would even now lead to far more extensive and mischievous results, than any which had yet manifested themselves. If it were retained on its present footing, those mischiefs must go on increasing: if it were placed on a permanent and stable footing, the existing injuries to the home-grower of corn could not but be lessened. Having troubled the House to this extent, he would not now further trespass on their time, than to read a passage or two from a Letter on the subject of the Corn Laws, addressed to the right hon. the President of the Board of Trade, which had lately been put into his hands, and which expressed the sentiments he entertained on this most important subject in a manner so much better than he could command, that he could really only regret they had not emanated from himself. He should have been proud to have originated them; and they certainly reflected the highest credit on their writer. He had been told, indeed, that in this letter (it was a printed one), some charges had been very unworthily and very unjustly made against a most distinguished member of the House. He could only say, he was most sorry, if any thing like obloquy had really been attempted to be cast by this writer, on any hon. gentleman who was a member of his majesty's government, he would, however, proceed to read the following passages:

"But even in peace the habitual dependence on foreign supply is dangerous. We place the subsistence of our own population not only at the mercy of foreign powers, but also on their being able to spare as much corn as we may want to buy. Suppose, as it frequently happens, the harvest in the same year to be a short one, not only in this country, but in the foreign countries from which we are fed—what follows? The habitually exporting country, France for instance, stops the export of its corn, and feeds its people without any great pressure. The habitually importing country, England, which, even in a good season, has hitherto depended on the aid of foreign corn, deprived of that aid, in a year of scarcity, is driven to distress bordering upon famine. There is, therefore, no effectual security, either in peace or war, against the frequent return of scarcity approaching to starvation (such as of late years we have so frequently experienced), but in our maintaining ourselves habitually independent of foreign supply. Let the bread we eat be the produce of corn grown among ourselves, and, for one, I care not how cheap it is; the cheaper the better. It is cheap now, and I rejoice at it, because it is altogether owing to a sufficiency of corn of our own growth. But, in order to insure a continuance of that cheapness and that sufficiency, we must insure to our own growers that protection against foreign import which has produced these blessings, and by which alone they can be permanently maintained."

A little further on, the writer proceeded to say—

"During upwards of one hundred years, up to the year 1765, the import of foreign corn was restrained by very high duties. What was the state of the country during those one hundred years? That in ordinary seasons our own growth supplied a stock of corn fully ample for our own consumption; that in abundant seasons we had some to spare, which we exported; that in bad seasons we felt no want, and were under no apprehension; that the price of corn seldom varied more than a few shillings per quarter; that we had no years of inordinate grain to the farmer, and of starvation to the consumer; that prices, instead of rising from year to year,

were gradually diminishing; so that at the end of this long period of a century, during which we never imported foreign corn, they were actually one-fifth lower than at the beginning of it. Would to God that we had continued in this salutary system! But in 1765 it was most unfortunately abandoned. What has been the result? Precisely the reverse of the former system. Instead of a steady supply, afforded at steady and moderate prices, we have witnessed frequent and alarming scarcities. Every year our dependence on foreign supply was increasing, till the war came, and, by interrupting that supply, greatly aggravated all our evils; for a country which depends on enemies or rivals for the food of its people, is never safe in war."

Now, all he asked of the House was protection, amounting to a prohibition. He considered such a protection necessary. At what precise price it might be provided, he left the legislature to determine; but he qualified his demand, by supposing, that it should be a protecting duty, amounting to a prohibition, continued, say, for two years; during which interval, the government might repeal taxes, at present bearing on the agricultural interest, to such an amount as should enable them to raise their corn at a much less expensive rate, so as to give them some chance of competing with the foreign grower.

Sir *Edward Knatchbull* commenced with an expression of the great reluctance that he felt in opposing any measure coming from those with whom he generally concurred in opinion, and with whom he was in the habit of acting. It gave him real pain to express his dissent from the plan now brought forward, which the right hon. Secretary for Foreign Affairs told the House was the plan of the noble lord at the head of the government; but which he could not have believed, if he had not received the assurance of the right hon. gentleman that it was so. He owned he was surprised at the measure coming from such a source. He said this with great respect for the noble earl, of whose services the country, by an afflicting dispensation of Providence, was now unfortunately deprived. To that noble earl he was desirous of paying the tribute of his approbation, for his long, and eminent, and laborious services, and of his admiration for his many eminent virtues. Before he proceeded to notice the measure now before the House, he would notice a petition which had been presented by the hon. member for Staffordshire, praying that the principle of free trade, which had been introduced into our commercial system, should be extended to the article of grain. Now, he was desirous of strongly entering his protest against the application of this principle to the trade in corn; convinced as he was that it could not be applied to that trade, without entailing on this country the greatest and most irreparable mischief. He owned he was at a loss to conceive what there was in the present circumstances of the country, that required the bringing forward this measure now more than at any former period; and the changing that system on which we had hitherto acted, and which was the one which the fair protection of the agricultural interest rendered requisite. The present introduction of such a measure was the less required, as, in all the late changes with respect to wool, iron, timber, and other produce of the earth, the agricultural interest was greatly aggrieved. The hon. baronet next proceeded to advert to a Letter of the right hon. President of the Board of Trade, written to his constituents in 1814, which contained an approval of the system, which, in his opinion, was the sound one for this country to adopt, but which was quite at variance with the resolutions on which the present bill was to be formed. The hon. baronet said, it was his opinion—an opinion in which he was supported by eminent authority—that this country ought to depend for its supply of grain on the soil of the united kingdom. In this opinion he was supported by the authority of lord Liverpool, from whom this measure was said to emanate, and by the right hon. the Chancellor of the Exchequer. In a speech of lord Liverpool, at the time of the alteration in 1815, this passage occurred:—"The general principle, supposing all nations, or at least the most considerable nations, to act upon it was, that in these cases, the legislature ought not to interfere, but leave every thing to find its own level. In such a state of the world, it was perfectly clear, that every nation ought to be left to prosecute, without interference, that particular species of industry for which, by its nature and condition, it was in all respects best adapted. If that were to be adopted by all the con-

siderable nations of the world, there would be no doubt but it was the system which all must consider as the most proper and desirable. But, unfortunately, the period was not yet arrived, when nations would have the wisdom to act upon any such system. It was unnecessary for him to tell their lordships, that the actual state of the world was very different from what it must be, before any nation in particular would with safety rely upon such a line of policy. Then, if such a system could not be pursued, when considered in connection with the regulations adopted by the several nations of the world, ought the principle to be acted upon by any individual nation having regard to the different description of industry presented within its own limits? That was a more doubtful question. But this at least was clear, that no nation could so far act upon it without exceptions." The hon. baronet proceeded to read a passage further on, in which the noble earl stated, that "if their lordships were now to begin a new system, the course of legislation would, in all probability, be materially different; but these statutes had been long acted upon, and the condition of the country had, in a great degree, adapted itself to the system. Whatever might be their opinion of these measures, if they had been for the first time proposed, they must now take them as they stood, and legislate with a proper regard to the existing system considered in all its bearings and relations." The hon. baronet contended, that the application of these observations of the noble earl was the encouragement that it was necessary to give the agricultural interest, and which it had been the generous policy of the legislature to extend to it. He now came to the opinion which his right hon. friend, the chancellor of the Exchequer, had pronounced at nearly the same period, and on the same subject, in that House. The right hon. gentleman had said, "He did not believe an import duty would be preferable to a prohibitory price." This was the opinion which he also held; and he hoped to hear from his right hon. friend the grounds upon which he had changed, if he had changed, that opinion. No man would listen to those reasons with more courtesy than himself; but until he heard them, his right hon. friend must allow him to say, he thought the principle which had been laid down by him in 1815 was the true one, and he should oppose every other. In another speech of his right hon. friend, delivered on the 11th of February 1815, he had said, "In looking to the principles which should guide their decision, the House ought to recollect that they were not now in the situation of arguing for the first time, whether they should act on the principle of restriction or not; for not only on the subject of corn, but on all the great branches of trade in this country, they had, from time immemorial, proceeded on a system of restriction, and therefore he contended they were not now, for the first time, to inquire whether they were to act upon this principle or not. The question had been acted on for a long period, and he could not depart from it without encountering a frightful revulsion which it would be dreadful to combat. It was not, therefore, a question between restriction and non-restriction, but how they were to apply principles that had been long called into action, to the existing circumstances of the country?" His right hon. friend added, a little further on, that "It was quite impossible for us safely to rely on a foreign import. If we did, the necessary effect would be a diminution of our own produce, which would become more and more extensive every year, and consequently call for a greater annual supply from foreign countries—a supply which must progressively increase as the agriculture of the kingdom became less encouraged, and that when the fatal moment arrived, the system of foreign supply would be completely illusory." In a debate on the same subject, the right hon. the president of the Board of Trade, in answering an objection of an hon. member who had asked, why not put other countries on the same condition with respect to ourselves that Ireland was? had said "He would tell the hon. gentleman why that experiment would not do. Ireland was under our control, and other countries were not; besides, did not Ireland receive our manufactures in return, and were we quite sure that other countries would do so?" This had been the opinion of the right hon. gentleman in 1815. At a subsequent period, when the question of allowing the importation of wool and iron was discussed, and the effect of a large importation of those articles taking place was anticipated, the right hon. gentleman very judiciously objected

to extending it, and said he would wait to see how the experiment succeeded, so that if any danger should ensue, a remedy might be promptly applied. Now, it was because he was satisfied the measure before the House was merely trying an experiment, that he paused upon it; and, before he could agree to it, he wished to know whether the right hon. gentleman had any security to offer in the event of its failure [a laugh]. He did not mean to disturb the gravity of the House by an allusion to securities, but he expressed his decided opinion, that the agricultural interest ought to be protected by means of a prohibition, if it should become necessary, against the possibility of a danger which he thought was too likely to accrue. He was firmly of opinion that no satisfaction would ultimately result to the country from the system of legislation which ministers had proposed. Could the right hon. the chancellor of the Exchequer undertake to say what would be the price of corn in any given quarter at any given period, and what would be the rate of freight? When the case of the shipping interest came to be brought under the notice of that House, he could not believe that some relief and protection would not be given; and, in that event, would not the rate of freight undergo a change? He should like to know, too, if any alteration in the warehousing system were contemplated. He should like to see, he confessed, the change in the ancient laws of the kingdom in this respect, conducted upon the same principle of gradual change and amendment, which was evinced in the mighty improvement in progress upon the criminal laws. The manner in which that change was effected, recommended the change itself to the unanimous approbation of the country, and the individual who effected it to general applause. Nothing would be more grateful to the landed interest, than an alteration in the laws relating to corn, conducted in the same spirit. But the present plan he conceived to be an inconsiderate application of a sound principle, to a state of things in the highest degree artificial. Although government did not wish to do harm, the consequences of a wrong step would not be the less severe. He earnestly hoped that the country gentlemen would stand forward, and check the progress of an experiment which threatened to do violence to the best interests of the country.

The *Chancellor of the Exchequer* said, he thought that the place which he filled as a minister of the Crown, and the situation in which he stood with respect to the question of the Corn-laws, made it incumbent upon him to reply to some of the observations which he had heard, both from the noble lord behind him and the hon. baronet who had just sat down, whose direct appeal to his opinion rendered that reply the more necessary, because he felt that it was his lot to have been the original proposer of a plan, founded on the question of the Corn-laws, though different from that which was now about to be considered. He owed it to his own character, and to the honour of those in conjunction with whom he acted, to express his cordial and unequivocal concurrence in the wisdom and policy of the proposed resolutions which he had now the great and peculiar satisfaction to support. He had no false delicacy to plead, for he confessed he felt no shame to admit, that his opinion with respect to this question was different now from what it had been. Where, then, was the justice of charging him with acting inconsistently, because he now, from conviction, supported a different view of the question from that which he had formerly entertained? At the time to which the hon. baronet had referred, he held a different situation in his majesty's government to that which he had now the honour to fill. At that time he was not one of his majesty's advisers, as he was now, and therefore he was so far released from the responsibility of his acts. Besides, he remembered distinctly to have said, when he proposed the measure, that it was not merely a choice of difficulties, but a choice of evils. He matured and prepared that measure it was true; but if he now supported a plan which, on further consideration, he conceived to be more efficient and beneficial, where, he would ask, was the mighty inconsistency with which the hon. baronet thought proper to accuse him? No man, he contended, was fit to be a minister of the Crown who was not prepared, upon questions of this nature, involving not any individual or particular interests, but the welfare of the country at large, to adopt that plan which reason, experience, and conviction pointed out to be the best. Without reference, therefore, to the part which he had formerly taken, he now most cordially joined his right hon. col-

leagues, in proposing the resolutions that were before the House. His right hon. friend, the President of the Board of Trade, had been referred to by the hon. baronet, as the person on whom the odium of framing the original measure of 1814 should fall. But he should be ashamed of himself and of that right hon. colleague, if he were calmly and silently to look on without refuting such an assertion, and taking upon himself a full share of whatever odium belonged to that measure. If he were base enough to let his right hon. friend be sacrificed, in order to shield himself he should deserve the indignation of all honourable men, of whatever class or party. But the truth was, that as to that free trade, the principles of which his right hon. friend had so well and so usefully supported—which was the horrid phantom that disturbed the mind of the hon. baronet, and raised those gloomy apprehensions with which his speech was tinctured—and which in the estimation of some hon. gentlemen, was as great a bugbear as the Pope himself — if any individual member of his majesty's government was liable to the censure of the hon. baronet, he (the Chancellor of the Exchequer) was that individual member. When, therefore, his right hon. friend was charged with that of which he was not guilty, it was the duty of him on whom blame should fall, if any were due, to avow openly the part which he had taken. But, neither himself nor his right hon. friend could with justice be charged with inconsistency, with regard to this question, or with neglecting its true interests. He (the chancellor of the Exchequer) held the office of President of the Board of Trade before his right hon. friend was appointed to that situation; and from the first moment of his appointment, he never ceased to apply himself to the consideration of the subject on which the present resolutions were founded. Those who knew his right hon. friend, knew also that his time and talents were devoted to the same ends. When, therefore, the hon. baronet lauded the prudence and caution of his right hon. friend and colleague, whose exertions to simplify and consolidate the criminal jurisprudence of the country had met with such deserved applause, it was not, he conceived, altogether fair, in the same breath, to accuse him (the chancellor of the Exchequer) and his right hon. friend, of precipitance and imprudence. The hon. member for Kent, and all those out of doors who felt and thought as he did with reference to this question, were guilty of gross ignorance, or rather, he should say, of gross misapprehension. They seemed to think that the resolutions now proposed were, in effect, a material alteration of the laws relating to corn; but he would venture to say that he could prove to the satisfaction of even the hon. baronet himself, or of any one else espousing the same opinions, that what was called innovation was nothing more than an endeavour to bring back this country to the state which she enjoyed before that revolution which turned every thing topsy-turvy, [hear, hear, and laughter.] He hoped the House would not be swayed by the opinion of his noble friend (lord Clive), who said that he was not only against the measure, but against hearing it discussed. His noble friend, after a speech in opposition to the measure, concluded by declaring that he would not go into it at all. Now, it did appear most extraordinary, that any man should get up and declare himself to that effect, and thus, as it were, shut the door to inquiry at once. His noble friend had given a history of the corn measure of 1815; and he too would give his history, or at least his version, of the same measure. In the year 1815, when 80*s*. was first fixed as the importation price of corn, he always contended that the effect of that law could not, in point of fact, have the effect of ever raising the price of corn to 80*s*. It so happened, however, that the harvests of the years 1816 and 1817 were unusually bad and unproductive. The effect of which was, that the law of 1815, sanctioning the admission of foreign corn at 80*s*., came into operation. The next year, however, the summer having proved exceedingly fine and favourable to the harvest, the price of corn fell as rapidly as it had before risen. The consequence was, that the farmers were frightened out of their wits, and predicted, as they often did predict, that their total ruin was at hand. The praiseworthy plan of lowering rent, which had since been so beneficially adopted throughout the country, had not then been acted upon, and consequently the farmers and the landed interest generally were seriously alarmed. They thought it right to place their affairs in the hands of a committee of their own body, and this agricultural parliament, at the head

of which was Mr. Webb Hall, sat in the immediate neighbourhood of that very House, gravely deliberating and issuing their manifestoes throughout the country, calling upon the landed interest to join with them in objecting to the law of 1815, and to implore the House to do—what? not to revoke that law with which they were lately so well satisfied. No such thing; for soon the table of the House was filled with at least five hundred petitions, objecting with all the strength of language to that very law, the principles of which the landed interest now told us ought not to be touched. Was he, then, the only party to whom the charge of inconsistency would attach? Surely those who yielded to those manifestoes, petitioning against that for which they now prayed, were at least as liable to the charge of inconsistency as he was. Be this, however, as it might, in the year 1819, the hon. member for Wareham had asked him if it was the intention of government to propose any alteration of the Corn-laws, in the session of parliament which was then approaching; he answered that there was no such intention. The next year the hon. member for Surrey. (Mr. H. Sumner) proposed a committee; and for what purpose was that committee proposed? The object was to alter the law of 1815, founded on the extraordinary principles of an extraordinary man, Mr. Webb Hall. He (the chancellor of the Exchequer) had opposed the formation of that committee but he had been defeated; the motion of the hon. member for Surrey was carried, and a committee was appointed; but nothing resulted from their deliberations excepting a law to alter the system of averages. In 1821, it was well known that the agricultural interest experienced great distress. On the representations of the landed proprietors, government felt it their duty to acquiesce in the propriety of taking the Corn-laws into consideration. A committee was accordingly appointed, consisting of members of that House; and the result of their deliberations was an extremely elaborate and ably-executed report, in which the principle of the law of 1815 was condemned *in toto*. In the following year another committee was appointed, who adopted the opinion of that of the year preceding, although nothing resulted from that circumstance; he, (the chancellor of the Exchequer) wished to see the principles of the report of 1821, carried into effect, although he had no hand in framing it. But, had nothing been done by his majesty's ministers to meet the wishes of the landed interest? Had no change been effected in the currency of the country? Surely a most material change had taken place in that particular; and that very change in the currency was another strong reason for a change in the Corn-laws. Had nothing been done, he would ask, to lessen the taxes, and thereby to relieve the landed interest, and the country generally? Had not his majesty's ministers been steadily occupied, since the year 1821, in reducing the taxes; and what had been the result? Twelve millions of taxes had been repealed since that period [cheers]. Whatever difficulties, therefore, the farmer suffered from the effect of the taxes, those difficulties were less by so much than they were before the year 1821; but the noble lord who now complained that we had taken no steps towards this change, and who resolved to oppose any change in the Corn-laws, until a reduction of taxes took place, at the very moment that he stated this, terminated his complaint by proposing a tax—the re-imposition of the duty on wool. Now, if there was a single point on which almost the whole country was absolutely and undoubtedly in error, it was on this of wool. He had read a great number of petitions on the subject; and, among them, one from the county in which he had the honour of living, upon this subject, in which sagacious remarks were made upon the "wisdom of our ancestors," who always protected the trade of wool. Now where did the "wisdom of our ancestors" begin? The "wisdom of our ancestors" was exactly eight years old. The high duty on wool was imposed for the first time in 1819; not for the protection of the farmer, but as a matter of finance. It was then raised from one penny to six pence the pound; and on the condition that it was not to be a permanent tax. Here, then, was the "wisdom of our ancestors," a fine grown baby, eight years old! [a laugh.] If he were to run through all the topics adverted to by his hon. friend, the member for Kent, he was afraid he should never end. But if he was at dinner with him, where he assured him he would much rather be than where they now were, he would like to ask him a few questions about these duties—what was

their amount—when they were imposed, and when altered? If his hon. friend said he did not know, his argument would then go for little. But, if he answered otherwise, then he would ask, were they so sacred, that we could not bring them back to what they had originally been? One other topic he would advert to; namely the timber duty. This duty was not laid on till 1809.—The Baltic was then closed against us, and the duty was imposed for the protection of our colonies; but it was limited to the duration of the war. In 1822, this duty was diminished. How? By rash precipitation on the part of a government full of all sorts of schemes and changes, and projects? No such thing. By a committee, which, after much investigation, and after having examined a great mass of evidence, recommended the fearful and wonderful alteration which appeared to have so alarmed the nerves of his hon. friend, the member for Kent. He had discussed the subject more at length than he had at first proposed to do; and perhaps than it was necessary to do; but really the motives of his majesty's ministers, with reference to this question, had been so misrepresented, both in that and in the other House of Parliament, and also out of doors, by persons who wrote and spoke with the most mistaken views, that he did not think it would be a waste of time if he craved the indulgence of the House, in order to show the grounds on which his majesty's government had heretofore acted upon this subject, and were now proceeding to legislate. His noble friend had built a strong argument on the necessity of giving protection to the landed interest. Why, who ever disputed that that interest should not be protected? The thing was in itself so rational, so self-evident, that the noble lord had little occasion to press his arguments in that particular. To be sure, the agricultural must be protected, for the benefit of those several interests with which that great body was inseparably connected. And, what were the means to effect that object? The only question was this—whether the object was to be effected by a protecting duty or a positive law, prohibiting corn altogether. Now he thought the hon. and learned member for Winchelsea had, on a former night, clearly proved that a duty, proceeding on an ascending scale, must necessarily come to some point which amounted to a prohibition. But, what was the evil of the other system? When corn came to the importation price, after a calculation made four times a year, the ports were thrown open, and the speculators in this article poured in all the corn they could, from every quarter of the world; not in reference to the demand, or the certainty of the market, but because the time for importation was limited, and, if they did not take advantage of that moment, and import all at once, they might not have the same opportunity for ten years again. This was most injurious to the agriculturists; and the change from such a system must be for their advantage. And what was he himself but an agriculturist? Was it not from the land that he derived his income? Were it not for the land, he and his connections would be nothing in the country. Was he foolish enough to cut his own throat, by advising measures which he knew would end in the ruin of the landed proprietors. He felt satisfied that the measure proposed by his right hon. friend, the Secretary for Foreign Affairs, would ultimately prove beneficial to all classes, and that great public good would arise from them. To hear hon. gentlemen talk of the Corn-law of 1815, which they hugged to their bosom with all the fatuity of misplaced affection, was really ridiculous. One would think that in this law was locked up all the good things for which the farmers had sighed for so long a period. No man who knew any thing of a county statistics but must know that this country had been in a gradual state of improvement ever since the Revolution down to the year 1815. He did not mean to say that every thing connected with agriculture was flourishing at present; but, deducting the occasional misfortunes that now and then visited the farmers, his assertion would be found to be correct. Was it then, too much to say, that his majesty's ministers were innovators? Were they not resorting back again to that system which had proved so generally beneficial to the country? The hon. member for Kent had stated, that year after year petitions had been presented to the House on the subject of the Corn-laws. It was quite true; the table of the House literally groaned beneath the weight of the prayers of divers petitions. Some prayed for a total abolition of the Corn-laws; other petitioners prayed that the House would not interfere in the sub-

ject at all; while a third class of petitioners, and by far the most reasonable of the three, prayed that parliament, in legislating on the subject, would consider the interests of all classes of the people, without reference to any particular body. To this latter class of petitioners, he confessed he felt the best inclined; for they had reason, sound sense, and the true policy of the country with them. Ministers would not be performing their duty to the country, if they did not endeavour to do something which might be for the advantage of all parties; though in doing so, it might be impossible for them to satisfy both sides. The hon. member for Kent objected to the proposed measure on another ground—that the time had not yet arrived for it; that before such a measure could be fairly introduced, it would be necessary to introduce another measure; namely that of settling the currency. Why, that had been already done. He had an impression something stronger than a dream, that a measure had been introduced on this subject by his right hon. friend, the Secretary of State for the Home Department, in 1819, to arrange the currency until 1823, and from thence to 1827; and, though some deviation from the rules then laid down was made in 1822, measures were taken last year to remedy that deviation, and to accelerate the period for the withdrawing of the one-pound notes. Was not this an arrangement respecting the currency? He did not know what more was to be done. But he strongly suspected, when he heard these frequent remarks about settling the currency, that there was something more meant than was distinctly avowed. He suspected that by this settling of the currency was meant an alteration of the standard. This notion he had seen distinctly avowed in some pamphlets which had been published on the subject. It was there laid down, that nothing could be fairly done with respect to the Corn-laws unless there was an alteration of the standard, or as it was otherwise termed, an "equitable adjustment." For his own part, however, he could make neither head nor tail of what the terms meant; but if they meant an alteration in the standard, he decidedly protested against it; and he trusted he should never be found so far forgetful of his duty as to consent to it. If they were to wait for an alteration in the Corn-laws until such a measure was adopted, he hoped to God they would have to wait a long time; for he trusted that government would never consent to it. His hon. friend, the member for Kent, had expressed his anxiety to have a regulation, by which the price of corn might be kept steady, and by which something like a certain price should be kept up. Now, this was exactly the advantage which would follow from the proposed alteration—an advantage which he was prepared to contend did not exist under the present system. Were not the fluctuations of price under this system notorious? Since the passing of the bill in 1815, they had had the price at one time 112*s*., and at another it was as low as 38*s*. What could be more uncertain than a price varying at this rate? It was impossible to guard against such variations, under the law as it now stood; or under any system depending so much as that did on the uncertainty of the seasons. In the plan proposed, it was endeavoured, by regulating the scale of duties, which would ascend and descend from week to week, according to the fall or rise of prices in the home market, to prevent those sudden fluctuations which must result from suddenly opening the ports in a period of scarcity, or by keeping them closed for a certain period after the price had become high. No man under the new plan would be obliged, by the sudden change in the market, to bring his corn all at once for sale. He could wait from one week to another; because he would feel secured against any sudden change to any great extent. If, then, any plan could prevent uncertainty or fluctuations with respect to price, that which was now proposed would do it; while nothing could be more uncertain or unsteady, than the price under the system now in existence.—But then they were told, that this new plan would have the effect of ruining all the agriculturists in the kingdom—that the change would involve them in utter destruction—and that this was the opinion of the great majority of the agriculturists throughout the kingdom. He did not believe that any such opinion prevailed amongst that class. He had heard the opinions of agriculturists from all quarters of the kingdom on the subject, and he could state, that the principle of the proposed change met with their unqualified approbation. There were, no doubt, differences of opinion as to the details; but, as to the principle of the measure,

the concurrence was, he firmly believed, general throughout the country. He would give one instance. In some resolutions recently entered into by an agricultural association at Lewes, and signed by Mr. Elman, a gentleman who appeared to have studied, and to be well acquainted with the subject, the principle of the measure before the House was fully approved. This was only one instance; but he would undertake to say, that instances, almost innumerable, could be found, in which the same opinion was adopted by agriculturists; and he had no doubt, the more the subject was reasoned upon and considered by the parties interested, the more fully would the plan be approved, as decidedly superior to the system at present in force. He knew well when any alterations were proposed in matters connected with trade or commerce, that hundreds and thousands interested in the particular business in which the alteration was proposed, got immediately alarmed, at what they feared would be the result. He had frequently, in the discharge of his duty, had to propose several alterations in the laws affecting particular branches of trade and commerce; and in every instance when his intention became known, he had been assailed on all quarters with the most doleful assurances, that the parties complaining would be utterly ruined by the proposed change; and yet, in no one instance, had he ever found that the fears of those parties had been well-founded, or that any of the evils which they had anticipated had come to pass. He could not mention a stronger instance of the blind opposition which was sometimes raised at the mention of a change of system, than that which had occurred, when it was proposed to admit the importation of corn from Canada. That measure had been proposed on the liberal and sound principle of recognizing the king's subjects in that colony as our brethren, and giving to them some of the advantages which they had a right to expect from such recognition. The measure was recommended by every principle of justice and sound policy; yet it was received at first in that House with the highest degree of alarm. It was opposed on the ground that if it passed, this country would be deluged with corn, not only from Canada, but from many ports in the United States. Those objections were successfully met and got rid of in that House, and the bill passed through; but when it reached the other House, there terror took its stand. Those worthy persons—with many of whom he was nearly connected, and of all of whom he desired to speak with the highest respect—got dreadfully alarmed at the proposition. They had never heard of the like. They could not enter into the justice or policy of extending an advantage to our fellow-subjects in Canada, which their fears told them would be so injurious to the people of England; and they threw out the bill, or, what came to the same thing, they so modelled it, that that House was compelled to reject it. They afterwards adopted the measure in a modified form; but only for a limited period, and it would expire in the present year. But, let the House recollect what had been the result of that measure. It turned out that, in the first year of the operation of the bill, when, of course, that operation might be expected to be most active, the quantity of corn imported into this country from Canada was only between 70,000 and 80,000 quarters; and in the next year it shrunk to 30,000 quarters. And this was the result of a measure which we were called dolts and children, unable to put two ideas together, or to reason from cause to effect, because we did not anticipate from it the ruin of the agriculturalists of England. In conclusion, he would observe, that if the noble lord persisted in the course that he now proposed, and if it should be adopted by the House, he was satisfied it would be found most seriously prejudicial to the interests of those for whose benefit it was intended—of those on whose behalf he (the chancellor of the Exchequer) then stood up, and for whose sakes he was willing to forfeit his character for consistency, in opposing a system which he felt convinced would militate against their best interests.

Mr. *Western* said, that the measures respecting the currency introduced in 1822, tended to increase the circulation of the country, and as a necessary consequence, it raised the price of corn. The price continued to rise in the years 1823, 1824, and 1825; so much so, that in February in that year the chancellor of the Exchequer came down to that House, and made his prosperity speech, in which he described every branch of our trade and commerce as in the most flourishing condition. Yet, during that prosperous state of the country, corn was at 68*s*.

This was created by the tampering with the currency. But now it was sought to bring in a bill to prevent corn from again rising to that price under which we had enjoyed so many national benefits. The right hon. the chancellor of the Exchequer seemed disposed to retract what he had then said; and now it appeared to him that *55s.* or *60s.* was price high enough, or rather too high. He would, however, tell the government, that the operation of the proposed measure would be to keep down corn perpetually to *55s.* But at that price agriculture would decline—manufactures would decline—the revenue would decline. It was impossible that our present amount of taxation could be paid at that price—that the country could go on at that rate. If the price of corn was low, all other things would be low-priced in proportion. The manufacturers looked on themselves, as far as this question was concerned, only as consumers; but they should recollect, that they were also sellers, and that if they bought corn cheap, they must sell their commodities cheap in the same proportion. It would be found by them, and by labourers of all classes, that if corn fell, the price of goods and the price of wages would fall much faster; and that, in the result, they would lose much more than they at first gained. It was, he thought, unfair to the agriculturists, to have these frequent alterations with respect to the trade in corn. The bill of 1815 was intended to be permanent, and not tried as an experiment. If he had thought it was any thing else, he would not have concurred in it. Ministers now, however, talked of that measure as if it had been intended only as an experiment. He did not mean to impute blame to any of them for a change of his opinion; but he must say, that, as a body, they showed a degree of vacillation on this subject, by no means creditable. Was it not an anomaly, that after the great attention which had been bestowed on the subject in 1822, they should now give up the measure recommended by the committee of that year. He did not approve of the measure of that year, for he preferred to adhere to that of 1815; but, as that measure had been adopted with such deliberation, he thought it ought to be allowed to continue. It had been stated by the right hon. gentleman, in 1815, when president of the Board of Trade, in support of the corn bill at that time before the House, that taxation could not be expected to be reduced much below sixty millions, and that, as the amount before the war did not exceed seventeen millions, it was impossible that the large amount could be paid, unless corn was much higher than it was before 1793. Now, however, he had altered his opinion. In 1822, that right hon. gentleman had said, that on behalf of the agriculturists, the merchants, the manufacturers, and the public creditor—on behalf of every interest in the community—he earnestly recommended the House to adopt the measure then proposed. What reason had the right hon. gentleman given for going directly opposite to the opinions he had then so earnestly avowed? It had been said, that great fluctuations in the price of corn had occurred in this country, since 1815. This might be true; but, at the same time, much greater fluctuations of price had taken place in every other country in Europe, except France; where the restrictive law was more operative than in this country. The extremes of fluctuation in England, since the year 1817, had been from *92s.* to *43s.* In the year 1817, the price of corn at Berlin was *65s.*; and, after 1824, it varied from *65s.* to *24s.* At Warsaw and Prague, the extremes of price from 1817 were, from *51s.* to *13s.* At Cracow, *57s.* to *13s. 5d.* At Dantzig, from *90s.* to *22s.*; Vienna, *112s.* to *17s.*; Munich, *120s.* to *25s.*; Hamburgh, *81s. 9d.* to *21s.* In France the price had fluctuated from *8s. 4d.* the bushel to *4s. 3d.* In every country from which there had been any accurate returns, the fluctuations had exceeded those of England. How could this be attributed to the Corn-laws of 1815? He, therefore, should support the prohibitory system, upon the grounds of political expediency, or even necessity—he meant the necessity of maintaining the country independent of foreign nations. The national prosperity depended upon the continuance of the prohibitory system. Whoever advocated the system of free trade in corn, advocated that which would subject us to the greatest difficulties, when the countries, on whom we should thus be dependent, chose to be hostile towards us. He intreated the House to pause ere they passed this bill, as it would be throwing the country into the hands, and leaving it at the mercy, of foreigners. It was placing in their possession a double-edged

sword, which they might wield to our destruction. They would be able to deprive us of food at their caprice, starve the people, and bankrupt our manufacturers. If the House would look to the speculative character of this country—the propensity which existed to create artificial prices and artificial dealings, for individual emolument—they would see how much this speculation would be placed within the power of men of large capital, who could buy up vast quantities of corn, and, by the advantages which their great pecuniary resources gave them, entirely alter the condition of the corn-market at their pleasure, and create an eternal fluctuation in the averages. But further, he would affirm, that if the average price of British wheat were to be fixed at 60*s*., foreign grain, which could be grown at 20*s*., would be freely imported into this country. The price assumed would be injurious not to one interest alone. The manufacturing classes would suffer as well as the agriculturists. The measure proposed was founded upon a principle of foreign commerce; whereas, any law intended to afford sufficient protection to the landed interest, and to secure the advantage and welfare of all classes, should be regulated with a view to a reliance on our own resources, independent of any extraneous supply. These were his sentiments, founded on the fullest conviction; and if the right hon. gentleman opposite was entitled to pardon for changing his opinions, he trusted that he, too, would be excused for adhering to his own.

Sir *Thomas Gooch* said, that this was a subject of which he most deeply felt the importance. Although the representative of a great agricultural county, he would not consider this question with reference to the exclusive interests of his constituents, but on enlarged principles, such as became the representative—not of a body of agriculturists merely, but of the nation at large; and in that character he would take upon him to say, that if ever there was a question in which the happiness and the comfort, the interest and the prosperity, of the whole empire were involved, this was the question. Such being the case, the House was bound to enter into the consideration of it with the utmost vigilance and caution. If there were any hon. members, with whom he was in the habit of voting upon most occasions, who were disposed to censure the proceedings of ministers, he must take leave to say, that he did not concur with them. Although he might object to the principle of the resolutions now submitted to the House, yet he was of opinion, that ministers could not, under existing circumstances, have done other than resort to it. Looking at the hundreds of thousands of manufacturers in distress, with whose petitions the table of that House was loaded, the legislature would not have done its duty if it had not listened to their prayer. In the year 1821, when the agriculturists were pouring in their petitions from a similar cause, he was one of those who grumbled most, until they were effectually attended to. It was but justice to his majesty's ministers to say, that no government was ever placed in a more difficult and trying position. They had, on the one hand, the distressed manufacturers, who imagined that their sufferings arose from the Corn-laws—a most erroneous idea. The distress was caused by totally different circumstances. The fact was, that a child of ten years of age, from the improved state of machinery and science, could do as much work now as a man could do heretofore. Our manufactures had so accumulated as to overstock and outstrip all the sources of their diffusion. Every storehouse in the world was filled with the manufactures of England; and, until some new vent was found for them, things must remain in their present condition, which all so much deplored. He was sorry to find himself compelled to differ, on the present occasion, from those with whom he generally voted. But he thought that the right hon. gentlemen did not give the agriculturist the protection they professed to do. The right hon. gentleman who had been the principal instrument in bringing the proposition before the House, had stated, that the main spring upon which the machinery turned was, the average of sixty shillings per quarter. If that proposition were really sustained, he should have been satisfied, and thought the arrangement a fair one. But he was prepared to prove, that the protection would not, in fact, be more than from 45*s*. to 56*s*. per quarter as the medium; 60*s*. being the maximum. The right hon. mover of the resolutions had said, that he wished to keep the price fluctuating only between 55*s*. and 60*s*. the quarter; and that, at the former rate, he should be able to impose a protecting duty,

which would amount to a prohibition. This might be a tenable assumption, if it were known at what price the foreign grower could send his grain to this country. The only data, however, which were available on that subject were, the returns of our consuls abroad, and Mr. Jacob's Report; neither of which furnished sufficient information as to the price at which corn could be sent into this country from the north of Europe. Mr. Jacob said, that in Poland there were large tracts of land, which were not at present employed for agricultural purposes, but were converted into sheep walks; and it was well known that there were a hundred thousand acres which could be easily made productive of corn if so employed. It was, therefore, impossible to tell at what price the foreign grower would be able to send his corn into this country; but he was convinced that he could do so at such a rate as materially to lower the price at home. Some gentlemen talked of the high price of wheat at present as compared with former periods. But let the House calculate the rise on that article beyond its amount fifty years ago, contrasted with the increase upon other commodities in the corresponding period, and they would find how fallacious were these computations. Wheat was not now thirty per cent higher than it was fifty years ago; while, if we looked at the augmentation of our national debt, the increase of the sum necessary for the payment of the interest, the increase of poor rates, of parish charges, and other items—all these had risen, not thirty per cent, but two hundred per cent. Therefore, as compared with the state of prices fifty years ago, wheat was, in fact, low. To the present Corn-laws he must admit that there were some strong objections. The right hon. gentleman had alluded to what was no doubt a serious disadvantage; namely, the extreme fluctuation to which they might give occasion. But, looking back to the year 1819, it would be found, that the average price since that date was about 59*s*. Now, what class in the country would have a right to complain of that average, if it were not the agriculturists? But he considered such a rate reasonable and fair for all classes. There was another material point worthy of observation; namely, that since the year 1819, with the exception of a hundred thousand quarters of foreign corn, the country had been totally independent of external resources. This fact was a strong proof that, with a due protection to the agricultural branch, and a judicious regulation of the corn system, the country had abundant resources in its own production, without any foreign supply. Nothing could tend so immediately to general distress; or be so sure a forerunner of famine in the country, as any measure calculated to depress the farming interest. Amongst the other objections which he had to the proposed measures was this—that it would not realise its professed aim of giving a full protection to 60*s*. For instance, he was an extensive agriculturist: he sent a large quantity of corn to the market at 60*s*.; but although 60*s*. was the price paid by the purchaser, the seller did not put that sum in his pocket. The factorage, commission, and other charges, took off four shillings a quarter; and, therefore, his protection was only 56*s*. The protection ought, at least, to amount to the rate it purported to be. He thought it but fair to state, that there was very great difference of opinion amongst his constituents on the subject of this measure. Several of them would be quite content with the proposed regulations; but he was apprehensive that those regulations would not be beneficial, either to those who entertained this impression, or to the country at large. He had another strong objection to the admission of foreign corn, which was, the quantity of gold that would, consequently, be sent out of the country. He might be told, that it was not gold but goods that were exchanged; and that, therefore, it was an advantageous barter. In answer to this assertion, he could affirm, that he had known of many vessels which had come to this country with corn, and returned in ballast. So much for barter! When this matter should come before the Committee, he should be prepared to maintain the opinions which he had avowed; and should feel it expedient to call for a higher rate of duty upon the inferior kinds of grain—barley, oats, peas, and beans; and, for the 60*s*. as the average of wheat, he would propose that 64*s*. should be substituted.

Mr. *Ward*, member for London, said that he looked in vain for those material improvements which the House had been led to expect from the projected alteration in a system, the existence of which he certainly much regretted. A noble lord,

and other hon. members, had adverted to the subject of the currency; but he could not coincide in any of the remarks which had been made on that head. The noble lord had said, that within twenty-two months we should have a totally new and different currency; but, judging from experience, it appeared to him that any change might be disadvantageous rather than profitable. The measures now proposed had, in fact, been deferred on account of the currency; and it must be acknowledged that, with reference to that branch of the subject, last year would have been a very injudicious time to originate the contemplated changes. He was of opinion, that the proposed measure would be beneficial, considering it with reference to the supposition of an unfavourable change in the currency. Should such an unfavourable variation take place, he would, for his part, rather that its pressure should be felt under the new law than under the old. With regard to what had been said by the hon. member for Kent, as to tampering with the currency, he would beg to state that, in the year 1819, the currency had been settled upon a basis, which, he trusted, would not be departed from. But a very material inconvenience had arisen from the circumstance of country bankers limiting their advances to the agriculturists, for want of such security as they had been used to require and approve. This had created a diminution of the circulation, and had led to general distress. It appeared to him that the principles of this measure were mistaken, to a very great extent. The principle of free trade, as he understood it, was, that the traffic in all commodities should be free. This principle had, unfortunately, in many instances, been departed from, owing to various circumstances, which it was not necessary to recount. But, in God's name, he would say, let us have some approximation to those principles, which ought, if possible, never to have been departed from. This his constituents instructed him to implore; and more than this they were not willing to ask. For many years they had suffered, in common with other classes, the disadvantages which war must, more or less, entail upon all. But they had hoped that, on a return to peace, they would not have been visited with a law to which they had not before been subject. They had made many applications to ministers for a mitigation of the evils imposed by the Corn-laws. But it was no more than justice to them to say, that they had invariably obeyed the law, however injuriously they felt it to press upon them. In their name he now called for a modification of these laws. The idea of fixing the price at one immutable standard would be a vain and futile one. Prices must vary; and all that the proposed alteration would effect, was a qualification of that variance, and a prevention of the excess of fluctuation. It was a mistaken notion to suppose, that the agricultural interests was exclusively burthened with taxes. Commercial capitalists were subject to the usury laws, and to other laws which materially cramped their operations and reduced their profits. He trusted that the existing jealousy would give place to the utmost concord and sympathy between the two great interests of this affluent nation.

Mr. Secretary *Peel* said, he should not have addressed the House upon the present occasion had it not been for the personal observations which had been made with regard to himself by his hon. friend, the member for Kent. His hon. friend had paid him a compliment which he valued as he ought; but he was afraid that he could not accept it upon the terms on which his hon. friend had offered it. His hon. friend had expressed a wish that the same caution which he (Mr. Peel) had displayed in the alterations which he had introduced into the criminal jurisprudence of the country, had been displayed in the alterations which had been introduced into our commercial policy, and last of all into the Corn-laws. But, he would remind his hon. friend, that there was a very wide difference in the principles upon which alterations in jurisprudence, and alterations in commercial policy, were made. Our criminal jurisprudence, for instance, was not affected by external circumstances, and alterations in it could therefore be made as well in one year as in another. It was not so with regard to measures affecting commerce and corn; for a transition from war to peace, an apprehension of famine, and various other circumstances, which it was easy to imagine, might render it necessary to make very important alterations in our system without any delay. Be that, however, as it might, he would still say, that if any blame were due to the administration for precipitation in altering the commercial policy and the Corn-laws of the country, he was ready to take his

full share of it. The measures to which the hon. member for Kent had adverted, all met with his concurrence; and in case his right hon. friend, the Secretary for Foreign Affairs, had been prevented from attending the House by indisposition, he should not have hesitated to submit to its consideration the present resolutions; not in the mere dry discharge of his official duties, but with the most cordial and zealous desire to support them. He thought it necessary, as he was present during the speech of the hon. member for Kent, to make that avowal explicitly to the House; and as his right hon. friend, the President of the Board of Trade was absent, he felt himself compelled to add, that his right hon. friend had been most hardly dealt with. He rejoiced that his right hon. friend would soon have an opportunity of exposing the misapprehensions to which his system had been exposed; and he had no doubt that when his right hon. friend had exposed them, his hon. friend would applaud his system as warmly as it deserved.—He apprehended that the House was not now discussing the details of the resolutions, but was arguing the general principles on which they rested. Some of the arguments which had been employed against the resolutions, were the very arguments on which he relied for their support. One hon. member had declared, that the state of the currency at the present time induced him to distrust the propriety of the proposed change. Now, the recent alterations in the currency, and the effects they were likely to produce on the old system of our Corn-laws, had induced him to think, that some alterations in that system were absolutely necessary. When that hon. member referred to the law of 1815, and said that he would adhere to the price of 80*s*. fixed by that law, did he recollect the alteration in the value of money, created by the alteration in the currency which he had introduced? Could that price, he would ask the hon. member, be adhered to now? He thought, that when it was recollected, that corn could not be imported into this country, under the law of 1815, until the price of it was above 80*s*., no gentleman who called himself a friend to the agricultural interest, would seriously advise a rigid adherence to the law of that date. What, then, was to be done? If the hon. member for Suffolk objected to going into the committee, and the noble lord succeeded in his resolution, he would not have an opportunity of proposing the amendment which he himself thought advisable. He, therefore, trusted that the hon. member would withdraw his opposition, and would allow the Speaker to leave the chair. He wished it to be understood, that no man had a more friendly feeling towards the agricultural interest than he had: and he was happy to say that there appeared to be, on the part of the agricultural, a most kindly disposition towards the manufacturing classes. Could there be a stronger proof of that disposition than the fact, that in consequence of the letter addressed by his Majesty to the Archbishops of Canterbury and York, 100,000*l*. had been raised by contribution for the relief of the manufacturers—and that mainly in the agricultural districts?—He could not sit down without saying a word or two more upon the currency. One of his reasons for wishing to see an alteration in the present system of our Corn-laws was, that the continuance of it would endanger the currency. There had been such an alteration in the currency since the Corn-laws were first introduced, that it was quite impossible to impute inconsistency to any man who, in 1827, condemned the continuance of the measure which he had supported in 1815. The Bank of England having returned to cash payments, and being obliged to pay in gold, nothing would be more likely to injure that measure, to cause a run upon the Bank, and to send gold out of the country, than the system proposed by the hon. gentlemen who differed from him and his colleagues upon this question. One hon. friend of his had mentioned the fact, that he had seen foreign ships receive gold for their corn, and then leave this country in ballast; and this, too, at a period when the importation of corn was limited. But if this took place under a limited importation, let hon. members consider how much more extensive it would be if, under the present system, corn rose to eighty shillings, and the ports, of necessity, were kept open for three months? In the case of such a scarcity as opened the ports in this way, speculations would be indulged in to the greatest extent, and must be paid in gold, so that such a run would be caused upon the Bank as must disturb the present currency of the country. An hon. gentleman had complimented him upon having introduced the measure which established that currency: but let them not now adopt a

measure, which would bring back upon the country a return of those evils which a different system had brought upon them, and which he now hoped and trusted were nearly overcome. He was sure the House would join with him in opposing any measure calculated to produce a recurrence of those evils, and therefore he relied upon their rejection of the plans recommended to them from other quarters. After stating it to be his opinion, that the mischiefs likely to arise to the agriculturists from the proposed alterations were enormously overrated, the right hon. gentleman proceeded to contend, that the hon. member for Essex was mistaken in stating that the measure then before the House was an experiment in legislation hitherto unheard of. It was no such thing; as he would show by a short historic reference. From the Revolution to the year 1774, there had been an absolute prohibition of foreign corn; whilst from 1774 to 1815, there had been leave to import it, on the payment of certain protecting duties. Now he would show, from what had occurred within those two periods, that there was no greater fallacy than to suppose that the importation of corn was fatal to agriculture. If any injury were inflicted upon agriculture, it was most probable that it would show itself in the diminution of enclosure bills. Now, since he had entered the House that afternoon, there had been put into his hands a list of the number of enclosure bills which had been passed within the period during which the prohibitory system was in force, and within the period when importation was allowed on the payment of a moderate duty. From the Revolution to 1770, there had been six hundred and ninety enclosure bills; and from 1771 to 1815, the period when the admission of corn was allowed, there had been two thousand, eight hundred and fifty-two such bills. He thought that this was a sufficient proof that the importation of foreign corn was not injurious to the home grower. His hon. friend had said, that no report had been made of the expenses of raising corn in foreign countries. Certainly no such report had been made, and it appeared to him, that nothing could be more difficult than to make such a report, for the expense of growing corn in those countries must depend upon various circumstances—upon the demand for corn in those countries, and upon the situation of the land; for it was evident, that when the land was situated near a great river, or in any other spot which afforded facilities for carriage, the expense of raising corn upon such land must be less than the expense of raising it upon land not so advantageously situated. The demand for corn must necessarily raise the price; and, therefore, it was a fallacy to suppose, that because corn was at that moment, or at any other moment, at a certain price in Dantzic, that price would not be raised by the increased demand of this country. Let them look, for instance, at the average price of grain at Dantzic and Mark-lane, for twenty-five years, from 1770 to 1795, and the difference would be found to be about 20*s*. When, therefore, to the price of the foreign article they added the expense of freight, the profits of the importer, and above all, the duty imposed by these resolutions, he did not think that any man who fully considered the subject, could suppose that the proposition of his right hon. friend was likely to prove detrimental to the British grower. He certainly did not believe that it would; and if he conceived that it was calculated to produce an injurious effect, he would be the last man to support such a change. Again, let gentlemen consider what effect had been produced by the admission of Irish grain into England. Before the year 1807, that article was positively prohibited; but, at that period, the prohibition was annulled. Now, the price of labour was much lower in Ireland than it was here, and the land was much richer. Yet the effect of removing that prohibition had not been injurious to the British grower. What then was there, practically speaking to lead gentlemen to suppose that the admission of foreign corn, under the regulations laid down in these resolutions, would be attended with a bad effect? He believed the tendency of the measure would be to produce an equality of price, so far as good harvests and bad harvests would allow that equality; and he was quite certain, that if any body would more than another be benefitted by level prices, the agricultural interest was that body. In his opinion, a greater boon could not be conferred on them than to keep the price of grain between 55*s*. and 65*s*. The country was not now situate as it was some years ago, when the enormous quantity of three million quarters of foreign corn were brought into the market; and if they, by this measure, could prevent such

large importations, and thus do away with those fluctuations which had been so much complained of, they would be conferring a boon on the agriculturists, which would infinitely outweigh any apparent disadvantage connected with it. Under these circumstances, he gave his most cordial assent to the propositions of his right hon. friend. He did hope that his noble friend would not, by persisting in the resolution which he had proposed, prevent many persons from acting with him upon those principles which he approved, and more particularly prevent the hon. member for Suffolk from proposing a protection which he thought better than that proposed by his right hon. friend; namely, a protection of 64*s*. instead of 60*s*. After the numerous applications which had been made to the House, on the part of the manufacturing and commercial interests of the country he could not see that we had any alternative, but to take the present system of the Corn-laws into immediate consideration, and he did hope, that his noble friend would withdraw his amendment.

Lord Clive signified his willingness not to press the House to a division. On the question of the Speaker's leaving the chair,

Sir *T. Lethbridge* expressed himself decidedly adverse to the resolutions. He believed that, even now, doubts existed amongst his majesty's ministers, with respect to the efficacy of this measure. For his own part, he was convinced that the plan now proposed was not founded in good policy, and that it would afford no protection whatever to the landed interest. The measure had been most precipitately introduced. Many points connected with it remained to be considered; and up to this moment, sufficient inquiry had not been set on foot. If he were correct in his view of the case he thought the House ought immediately to adopt means by which a more extensive consideration of the subject might be effected. In fact, a committee of that House ought to be immediately appointed to make inquiries, similar to those which were about to be instituted elsewhere. Having this strong impression on his mind, he called on the House to adopt the suggestion which he threw out, before they permitted the Speaker to leave the chair. In 1822, he had himself proposed to the House a permanent duty and open ports; but he was now convinced, that neither that proposition, nor the proposition now submitted to their consideration, would afford just protection to the landed interest. But he especially objected to the machinery of this measure. It was not so much to the price proposed that he objected, as to the mode in which the measure was to be carried into effect. If the House should go into the committee, he would propose that 64*s*. should be the lowest protecting price for wheat, and 24*s*. for oats.

Sir *J. Newport* protested against the recommendation of the hon. baronet, He could not consent to go on a voyage of discovery indefinite as to its object, and which might be interminable in its continuance. He was favourable to the proposed resolutions, because he wished the law to be placed on such a basis, that the agricultural community might know, with some degree of certainty, on what ground they were to build their calculations.

The House having resolved itself into the committee,

Mr. *C. Grant* said, he should decline entering into the general question at the present moment, but would reserve to himself, the right of making such observations as he might think necessary, in the course of the discussion. He should now move the first resolution: viz.

"That it is the opinion of this committee, that any sort of corn, grain meal, and flour, which may now, by law, be imported into the United Kingdom, should, at all times, be admissible for home use, upon payment of the duties following, viz.—If imported from any foreign country.—

"WHEAT. — Whenever the average price of wheat, made up and published, in manner required by law, shall be sixty shillings, and under sixty-one shillings the quarter, the duty shall be for every quarter 1*l*. And, in respect of every integral shilling by which such price shall be above sixty shillings, such duty shall be decreased by two shillings, until such price shall be seventy shillings; whenever such price shall be at or above seventy shillings, the duty shall be for every quarter 1*s*. When ever such price shall be under sixty shillings, and not under fifty-nine shillings, the duty shall be for every quarter 1*l*. 2*s*. And in respect of each integral shilling, or any part of each integral shilling, by which such price shall be under fifty-nine shillings, such duty shall be increased by two shillings."

The resolution having been put from the chair,

Mr. *Bankes* said, he thought that the proper time to move an amendment. It was his wish to raise the average price from 60*s*. to 64*s*. and he would propose an amendment for the purpose of effecting that object. Those who disliked the proposed resolutions, should come forward on this occasion and oppose them—the rather as this was not a general committee on the subject of the Corn trade, or relating to the law of 1822, but one for the purpose of discussing a specific proposition. When, on a former evening, the resolutions were brought forward by his right hon. friend, the foreign Secretary, he had put a question to the right hon. gentleman, which had not received so distinct an answer as the importance of it appeared to demand. What he then wished to know was, what were the real intentions of ministers with regard to the Corn-trade, and what was their object in proposing the resolutions at the present time? He had then requested to be informed by the right hon. Secretary, what effect he expected his resolutions to produce on the price of corn; was he satisfied with the present price, or did he consider 53*s*. a quarter high or low; and, lastly, what price did he think corn, under the new regulation, would be at? To this the right hon. gentleman had replied that he thought the resolutions would explain themselves; that the fluctuations would probably be from 55*s*. to 65*s*. and that ministers thought 60*s*. or thereabout, a fair medium price. Now, if government desired to fix the medium price at 60*s*., they had not taken the proper way to effect it. The proposed system was calculated to bring prices to 53*s*. or 54*s*, rather than to 60*s*. The price he wished to keep wheat at was 64*s*. The avowed object of the right hon. gentleman's measure was to raise the protecting price of wheat about 7*s*. a quarter, and the means to effect that end was rather extraordinary; namely, the importation of foreign grain. The hon. member concluded by moving as an amendment,—"That whenever the average price of wheat, made up and published in manner required by law, shall be 64*s*., and under 65*s*. the quarter, the duty shall be, for every quarter, 20*s*."

Mr. *Charles Barclay* expressed his satisfaction at the circumstance of the House having come to a better understanding on this important subject than they had heretofore done, and that they had assembled together for the purpose of altering the existing Corn-law. He would not enter into a statement of the injury which the country had suffered in consequence of that law; but of this there could be no doubt—that its effects had been most mischievous. He was very much surprised to hear the hon. member for Dorsetshire complain that the medium price now proposed was too low, and that the measure under consideration would be the means of bringing in a great quantity of foreign corn. That hon. member ought to have known what the effect of the proposition had already been on the corn market. Wheat had, in fact, risen 5*s*. or 6*s*. per quarter, in consequence of the intimation given by his majesty's ministers. He was glad that all parties had nearly come to an agreement, as to what ought to be the maximum price. He thought that a duty of less than 16*s*. a quarter would not be an adequate protection to the agricultural interests, considering the load of rates and taxes with which they were oppressed. It seemed to him, that a full remunerating price for the landed interest would be best for the manufacturers. Their distresses did not arise from high prices, nor would low prices conduce to their prosperity. It was on the ground that it was a fair medium between the two, that he should support the proposition. He also felt convinced that it would increase the exportation of manufactures, and consequently benefit the manufacturers.

Lord *Althorp* observed, that the amendment was merely a difference of 2*s*. on the importation price, and therefore it was scarcely worth the while of the committee to consider it. He had expressed his opinion on this question the other night, and he was happy to find that at the market of the place which he had the honour to represent the farmers approved of it.

Mr. *Ferguson* thought it was impossible that this debate should terminate without taking a more general turn than that of a discussion upon the difference between 60*s*. and 64*s*. He was of opinion, that the question ultimately would be, whether a duty of 30*s*. at the price of 50*s*. would afford an adequate protection to the grower. It had been said by a right hon. gentleman, that the existence of these restrictive laws had nearly destroyed the foreign commerce of the country. In the absence of that right hon. gentleman, and

speaking from what had been the consequence of his acts, he begged to deny that these laws had been the cause of its destruction. He entertained many doubts upon the subject of free trade; and he believed that the trade in grain never could be altogether free. Nevertheless, he approved of the principle of the present measure; since, in comparison with the act of 1815, he thought it was calculated to restore order and permanency to the price of corn. He objected, however, to the duty now proposed to be laid on barley and oats; and if it was determined to preserve that duty, he entertained so strong an objection to it, that he should feel himself compelled to vote against the bill.

Mr. Secretary *Canning* said, he rose rather to call the attention of the committee to a particular point or two in the debate, than to offer them any observations upon the general question; which there would be many opportunities of discussing, in the future stages of the bill. The discussion that evening had begun upon the principle of the question; but by some means or other, they had now got into a discussion upon the alteration of the medium price from 60*s*. to 64*s*.; and perhaps it would be more convenient to dispose of it now, if it could be done; but he feared it could not. He had suggested 60*s*. after the vote which had been given the other night; but it now seemed that an hon. member had some other proposition, and he should wish to adjourn the discussion till to-morrow, in order to consider of that proposition. If no other was then submitted to the committee, they could come to a vote upon which of the two sums they should prefer. He had been asked, why 60*s*. had been selected as the medium price? Perhaps it would be difficult to say why there had been any selection of a particular point in the variety which had been offered to their choice; but he believed that 60*s*. had appeared, by analogy, to be the natural point at which the medium price should be fixed. In the year 1815, the sum of 80*s*. was assumed as the medium, in reference to the averages of the twelve preceding years. During the first six years, the average had been 98*s*., and during the latter six years it had fallen to 90*s*. Below even the latter sum, the medium had been chosen; and had been fixed at 80*s*., in consequence of the cessation of the war, and the decrease of those inflated prices which had been created by it. In 1822, the sum of 70*s*. was assumed, because the preceding averages had rather gone beyond that sum. The price was accordingly assumed rather below than above the average of the preceding twelve years, during the first six of which the average had been 70*s*., and during the latter six years 50*s*. The average of these two averages was within a fraction of 60*s*., and that average was supported by the evidence of the positive average of the last four years, which was also 60*s*. On these averages the medium price of 60*s*. had been selected. This selection had been made, although some circumstances now existing seemed to justify the choice of a lower price. The present assumption of the average medium price was, therefore, most blameless; especially with regard to the agricultural interest, who had been rather favoured in the selection. If the rule which these analogies seemed to have established was now departed from, it seemed to him that they would fix a medium price arbitrarily. Such a course would not be safe; nor would it be justifiable, merely because some of the agriculturists might consider it reasonable. Another question which had been asked was, why make any alteration at all? His answer was, because of its positive necessity; for by the law under which we were now living, until wheat got up to 80*s*., not one single grain could be admitted into the country. If it was now possible to go into the argument, he thought he could convince the committee, that such a system could not long continue to exist.

Colonel *Wood* objected to take the averages in the way the right hon. gentleman had proposed; and if the discussion was adjourned until to-morrow, he wished that one thing besides the amount of the medium price should be noticed. It had been said, that the calculation was made upon the Winchester bushel. Now, he believed, he was correct in asserting, that by law the Winchester bushel had ceased to exist within the two last years. All the people in the country had been put to great expense and trouble in obtaining the imperial bushel; and he thought that the introduction of the Winchester bushel, as a standard of calculation would be productive of great confusion. He therefore, thought, that the imperial measure should be adopted as the standard of calculation, and in conjunction with that standard, the sum of 64*s*. as the medium price.

The *Chancellor of the Exchequer* wished to say a word or two in explanation of the supposed difficulties of the two measures. It was undoubtedly true, that the bill for the regulation of weights and measures had produced—as every attempt to effect improvement in the laws or customs of a country would at first do—great expense and trouble, and some confusion, and at first sight it might appear to do so in the calculations upon the medium price, as applied to the standard measure of corn. But, if he was not mistaken, there was an express provision in the act passed for altering the measures, that though persons were compelled to buy and sell by the imperial measure, the calculation of the inspector and his return were to be made upon the standard of the Winchester bushel. There would not, therefore, be any practical difficulty, nor confusion arising from this mode of calculation.

Mr. *Calcraft* thought, that great confusion had been produced by these different standards of measurement, and that the act ought to be repealed. Though the counties had been called on to provide themselves with the new measures, he did not believe there was any enactment which compelled them to use these new measures in preference to the old ones. He was ready to try the experiment now proposed upon wheat, in order to satisfy the country that every thing had been done to enable them to obtain food in the cheapest way. But he would not at present consent to make the same experiment with regard to barley; nor would he do any thing that would interfere with the present improved system of husbandry; as such an interference would affect not merely corn, but meat.

Mr. *Davies Gilbert* said, he had recommended the Winchester measure; but as the imperial measure was now established by law he thought they ought to use it in preference to the other. He would not himself move that the imperial measure should be taken as the standard of calculation, but he would second any member who would make such a motion, as he thought it necessary to preserve that uniformity which the law had established. If the imperial measure was taken as the standard of calculation, he believed that 62*s*. was the medium price that would most nearly adapt itself to that measure.

Mr. *Brougham* said, he would not go into the question at large, or into the digressions which had been made from it. With regard to the amendment proposed by the hon. member for Dorset, he felt a strong repugnance to adopt it. It was a frightful thing to be told that we ought not to be satisfied with the price proposed by the right hon. gentleman opposite. In his opinion, that price was far too high; but by the amendment it was proposed to add 4*s*. to the price, which would tend to raise wheat to 64*s*. That it would effectuate that object he denied, if the duty of 20*s*. was attached to wheat at 64*s*., instead of 60*s*., as proposed by the right hon. gentleman. If the price of wheat at Amsterdam was 30*s*., the duty 20*s*. added thereto, would make wheat saleable on importation at 50*s*., supposing that the opening a door to the foreign market would have no effect whatever on the price abroad; if the duty of 20*s*. attached at a price of 60*s*. would raise the price, or tend to raise it, to 55*s*. the adding 20*s*. to the price of 64*s*. would, by parity of reasoning, tend to raise the price to 59*s*. This was a sufficient reason for him to object to a change in the resolutions, making that higher which he thought too high already. The subject, he confessed, was replete with difficulties, but he agreed with the right hon. gentleman opposite, that it was impossible to go on longer upon a principle which combined all possible disadvantages without any benefit at all: for, by the existing law, corn was allowed to go up to a famine price, and up to that price, whilst wheat was selling at Amsterdam at 30*s*. the people could receive no benefit; they might be starving whilst wheat was 70*s*. here, and on the other side of the water little more than half that price. Here was a great hardship to the consumers; and the injury to the growers had not, in the long run, been different, as he was prepared to show. But he should thereby be accused of falling into the damnable heresy of "free trade,"—the worst of all lay crimes. Whatever, therefore, were his sentiments on the subject of free trade, and on the liberal system of the present administration, he should confine them within his own bosom, to avoid the denunciations pronounced against any unhappy wight who might be favourable to them. His opinion on that point was, like his religion, a matter between himself and his conscience; and he should do what he could to enjoy it in security. It was clearly for the interest of the

grower of corn as well as for that of the consumer, that the prices should be steady. Certainly, the landholders were greatly burthened by the poor rates and other taxes, which fell so heavily on the agricultural interests; and they were perhaps entitled to some protection as a set-off against these burthens. Still, however, the great, the paramount interest of the landlords, depended on steadiness of prices. By this criterion could they calculate their income and regulate their expenditure for any considerable time? Uncertainty in this respect, was opposed to all comfort and to all regularity. The old system of importation, from the mismanagement of the averages, and other causes, left the landlord liable to be overwhelmed by a deluge of inconveniences; and for that reason, among others, he hailed the approach of a new system. Whether the proposed new system went the whole length in the way of improvement which he would have thought desirable, he did not mean then to state. He was entitled to keep his own secrets; but he was sorry to find that in another place which he could not regularly name, some persons had prevailed in obtaining permission to enter into an additional inquiry upon this subject. But rather than involve themselves in abstract questions now, and resort to a desperate extremity, it would be far preferable that the House of Commons should at once put the matter on an issue that might lead to some practical result. Let those who wish for no change go to one side, and those who did wish for an alteration in the present system of the Corn-laws go to the other; and then, he believed it would appear that the numbers against any alteration would be scanty enough, if not confined merely to the tellers. Indeed those who had talked about the weights and measures, and were hostile to the medium price of 60*s*., agreed that there ought at least to be a considerable alteration in the present system. But were they to argue ever so long, he believed they could hardly expect to convince each other. Suppose they were to embody in their speeches all that had been stated in the innumerable pamphlets published on this subject—as to those which had been published during the last three or four weeks, few, perhaps, read them, and indeed, a treatise on logarithms would, in comparison with such pamphlets, be easy and light reading—but suppose they were to go over again all the arguments and reasonings which had been published on this subject in pamphlets, or otherwise, they could not now hope to convince each other. But they could easily come to a vote on the general principle of the new system proposed to them; and then they could discuss the subordinate questions, whether any, and what amendments, should be made in the details of the new system. But in another place—he must not say where—they were proceeding upon quite another plan, and had already, as it was said, got into the mire and slough of Despond, with reference to this matter. New inquiries had been projected, as if there had been no committees on this subject in 1814 and in 1822, and no voluminous reports from those committees. Notwithstanding all this, it appeared to be conceived, in a certain quarter, that they were still in the infancy of the question; that they had been all along in a complete hallucination on the subject; and that it was still necessary for them to enter into an inquiry as to the facts. They said, that this was a most important question, and therefore asked to be allowed to inquire into two points. But what were those two points? First, an inquiry into the price at which foreign wheat could be sold in the home market; and next, the price at which wheat could be obtained in the foreign country? In order to follow up these inquiries properly, it would be necessary for the inquirers to examine into the state and effect of taxation in those foreign countries; into the parish rates of Poland, if there were any such rates there; and into all the circumstances connected with Odessa and other ports [cries of question, question! and hear, hear!]. That was the question, no doubt [a laugh]. He begged of the House to bear with him a little while, as he might not have an opportunity of addressing them on this subject again. But certainly he did not think that when they came to argue the question now, they ought to be called upon to enter into the inquiries as to the policy of Russia and Poland, and other states, since they had enjoyed abundant opportunities of making themselves acquainted with all the material facts that bore upon the subject. Most of the members of that House knew the mode in which bills were sent out of that House to the other. But in case some of the new members might not be aware of it, he would

state that the practice was, when a bill passed the House of Commons, to appoint some member of that House to carry it to the other House. The member who carried it up mentioned the passing of the bill in the Commons, and desire their lordships' concurrence; but when the bill which was now in contemplation for carrying into effect the new system should be presented in the other House, with a request that they would concur in it, the reply might be, "No, we will not concur in it; we have an inquiry pending on the subject; and, if you will please to come to us at the end of next session, when our inquiries may, perhaps, be terminated, then we will inform you whether we shall concur or not." He had no hesitation in saying, that proper protection ought to be given to the agricultural interests; but while he admitted that, he begged of the agriculturist to recollect that they were not entitled to any undue advantages to the prejudice of the other interests of the community. To protect the agriculture of this country was just and necessary. The farmers of this country, under all the circumstances in which they were placed, could not produce corn at the same price which formed a remuneration to the foreign grower. Upon this ground, he was perfectly ready to allow the agriculturists that extraordinary protection which their extraordinary circumstances required. He was willing that, in consideration of the heavy burthens to which they were subjected, they should have an equivalent protection: but, beyond that point of equivalent protection he could not advance in their favour a single step. When any person proposed to go beyond this in support of the agricultural interests he acted in a manner as extravagant as it was unjustifiable. It was a mockery of all reason and common sense to say, that the agriculturists ought to have any thing beyond what was a fair and just protection. When the restriction on the importation of foreign corn went beyond its proper medium, it ceased to be a protection, and became a most unjust and invidious tax, in favour of the landlords, upon all other classes of the community. Now, it had been stated, that wheat was selling in foreign ports at the price of 30s. per quarter, and some reasoning had been founded on this fact by certain publications. He certainly did not mean to go the length of some of the propositions which had been advocated by such publications. Many of the arguments urged against the land-owners had his most decided disapprobation. But at the same time it was a little too much to say, that the landlord should have for his corn in this country, more than double the price at which corn could be procured abroad. They were entitled to adequate protection; but any thing beyond this would be most unjust to all other classes of the community, and a gross iniquity. In the course of his examination into this subject, he had found that from the year 1775 we had been an exporting country; that was, sometimes importing, but as often exporting, up to 1793. In the two years, 1779 and 1780, when the average price of wheat was 45s., there were 222,000 quarters of wheat exported, and 45,000 quarters imported. It followed, then, that with all the populousness and fertility of foreign countries, and the boasted wretchedness of the half-fed swarms of Polish peasants, it was found to be a profitable speculation for a merchant to buy our corn at 45s., and sell it abroad at between 45s. and 50s. He could not help, with these facts before him, looking with some suspicion at the accounts furnished by our consuls abroad, as to the price of wheat at Rotterdam, for example. It appeared from those accounts, that there was a difference of 12s. per quarter, between the price of wheat at Dort and at Rotterdam, a few hours distance only by canal. In 1811 there was a difference of 63s. and 66s.; in 1812, a difference of 70s. and 79s. These things surprised him; and he, therefore, went back to the fact of our exportations in 1779, when the price abroad must have been higher than here. The present low prices abroad must have arisen from a glut, and not from the natural course of things. He could explain this subject to the committee—[No, no]. The hon. and learned member then proceeded to show that the probable prices abroad would seem to render any restrictive laws regarding the importation of foreign corn unnecessary; but the House manifested much impatience by coughing, and at length the noise throughout the House occasioned a total interruption to the hon. and learned member's speech. On its subsiding, he said, that he did not think that, upon so important a subject as this, it was decorous that it should go forth to-morrow to the world that interruption like this had been

given; it would not be consolatory to the hungry multitude, nor was it creditable to the House, or likely to add to the reputation of a new parliament, that a vital question like the present should be clamorously prevented from being discussed. If, in the only stage he could have an opportunity of expressing his sentiments, there was a rooted determination on the part of some gentlemen in the House— [Here the noise from both sides rendered the conclusion of the sentence inaudible.] he hoped he was mistaken. The fault might be his: he might have discussed the question in a tedious and tiresome manner: he would much rather that he should bear the reproach, than that it should appear that there was an attempt to clamour down a speaker for the sentiments he expressed. He parted now with the question with pleasure; he entertained a charitable feeling towards those who opposed him: they were only prejudiced; though their prejudices were not easily overcome. He could not help taking that opportunity of declaring his hearty concurrence in the principles of commercial reform which the government had recently entered upon. Step by step he approved of them; and the more so, because they were gradual—for, first, he thought it best not to scare the minds of those abruptly, who felt themselves likely to be affected by new changes; and, secondly, because he thought it not the surest way to succeed, to take too large a stride at the outset; for if the step were wrong, there was less of mischief to repair, or of error to retrace, in effecting any alteration—and it was not exactly wise, abruptly to place great interests in jeopardy. It was under this impression that he had acted respecting parliamentary reform, and had thereby obtained from some quarters the epithet of being a friend to mock reform only. In all improvements of this nature, even in that very worst of all cases, the amelioration of what were called the courts of equity, he was for proceeding systematically and gradually, because he thought that mode afforded the best chance of ultimate success [Cries of "question"]. He really hoped that the gentlemen who interrupted him would abstain from further impediments: the effort would only affect themselves, and bring on colds and coughs to-morrow, from unnecessary exhaustion. He would tell those self-sufficient members, that it was of no use to press the government to commit themselves with the country upon this question: for really if ministers were desirous of favouring such a project, the people would not bear it; they would not permit such a sacrifice to the landed interest. At all events, he saw nothing in the principle of the present plan, differing, as he did, from the proposers of it as to some of the details, which did not entitle it to public support.

Mr. Secretary *Canning* rose merely to offer a few words of consolation to the hon. and learned gentleman, for his apprehension of a change of policy elsewhere upon this measure. He could venture to assure the hon. and learned gentleman, not of his own knowledge certainly, but from the information of others, which he thought was equally as good, that the appointment of the committee to which he alluded elsewhere, was not a sudden concession, but an old understanding admitted by the noble earl who had the charge of this question, on this express understanding, however, that the committee was not to be protracted, so as to interfere with the legislative provisions of the contemplated bill. In fact, there existed a perfect understanding, that the main progress of the measure was not thereby to be impeded.

The committee divided: For the amendment 160; for the original Resolution 229; majority 69. The chairman then reported progress, and asked leave to sit again.

HOUSE OF LORDS.

Friday, March 9.

ROMAN CATHOLIC CLAIMS.] After sundry petitions had been presented in favour of the Claims of the Roman Catholics,

The Marquis of *Lansdown* rose for the purpose of making a motion, which might be considered as a motion upon a motion, concerning the Catholic Claims, under which he thought he should be justified—both with respect to what was due to his own feelings, and to his own honour, as well as to the honour and feelings of many other noble lords, with whom he had thought right to communicate upon the subject—if he trespassed for a few moments upon their lordships' indulgence. At the time that he gave the notice, which stood in the order book for the 15th instant, it was with the deliberate intention to offer to their lordships' considera-

tion a resolution upon the subject of the petitions which had just now been presented, and of many others which had previously been presented, upon the important subject of the Roman Catholic disabilities; and if he had now been induced to abandon that intention, he must state to their lordships, that he did so with a mind perfectly satisfied as to the expediency and necessity of considering those disabilities; and with a mind perfectly unchanged, that at some period, and certainly at no distant period, they must meet with the most serious consideration of that House. But, with that strong conviction on his mind, he could not, upon due consideration, allow any precipitate step on his part, at that moment, to have the possible effect of creating or adding to the distressing, the disheartening conviction on the minds of the people of Ireland, that a majority of both Houses of Parliament was determined to reject the consideration of their claims. He felt too deeply what the effect of such a step must be, to add to the irritation upon the subject which already existed, and he should refrain from taking any step that could by possibility have that effect. Whether, after moving that the present order be discharged, he should be again induced, in this or in any other session, to press the subject upon the consideration of the House, he did not at present feel himself bound to state. Whether those petitioners who had stated their case to their lordships would ever come again to the bar of that House, he could not tell; because he possessed no knowledge of their councils, nor had he had any other communication with them than that of receiving their petitions. But he could not dispose of the subject without stating his firm conviction, that whoever might bring forward the subject, it must, in some shape or form, and at no distant period, press itself upon the consideration of that House; but in what shape or form, or under what possible circumstances, he would not venture to predict—he would not even give himself the pain of conjecture. But, quitting this subject for the present, he besought their lordships to consider well the condition in which they left Ireland, not upon the allegations of the friends of that proceeding which he was about to withdraw from their lordships' attention, but upon the admissions of its opponents; and he begged leave to say, that if he wanted any other argument to increase the weight of his assertions, that the state of that country must be altered before it could become a source of strength and prosperity, what he had recently heard from the opponents of that proceeding, with respect to the state of Ireland would furnish the best he could desire; because he knew from experience, that a country and a state of society so distracted as Ireland was alleged to be, was one which could never be expected to right itself without the serious attention of the legislature; because he knew that a small majority in the other House of Parliament, producing a decision upon the question, would not be able to allay those passions, or to appease those feelings, which were common to human nature. It was impossible that any vote could put an end to those distracted relations of society, which rose as manifestly and directly out of the state of the existing laws, as the grass rose out of the earth, in consequence of the seed put into it. He did not suppose that any vote would immediately teach the increasing population to bear with satisfaction the privations of the greatest blessings; or that it would teach individuals rising in wisdom and knowledge, to strip themselves of the best advantages, and to treat the best objects of ambition with contempt: that it would teach the growing population to bear, without a murmur, that stamp of degradation which was placed upon them by the existing law. These were feelings that could never be expected to arise from any decision of the two Houses of Parliament. The hand of a man had, by a miracle, been enabled to stop the course of the sun; but the hands of their lordships would never be able, without a miracle, to dispel and arrest the progress of those principles in human nature, which the same God that made the sun had planted in the breast of mankind. He, therefore, was satisfied, that this question must come, in some state or other, again and again before their lordships; and, in the mean time, he besought their lordships, both individually and as a body, to ponder well upon the state in which they left Ireland; because he must say, and he did so with the most perfect sincerity, that could he conceive himself placed in the unfortunate condition of assisting in the councils of any government hostile to and conflicting with the interest, and aiming at the prosperity, of his country, the first prayer he

should offer up to Fortune would be—"Give me Ireland as she is, with a great increasing population, who had no other leaders than persons to whom no fortune was accessible but in a direction opposite to the interests of the state—with a population at the same time under the influence of a clergy alienated by the state, rejected by the state, and in no degree, however remotely, connected with the state, and more than that, openly denounced by the authorities of the state, as faithless, and not to be believed;—with a population that was deprived of the conductors between the high authorities of the state and the lowest members of society, which the experience of all countries had shown to be indispensable for preserving the strength and harmony of the whole." That was the state in which their lordships had left Ireland. He besought their lordships also to recollect that when the time should arrive, if unhappily it should arrive before they had given their attention to the consideration of the Roman Catholic disabilities, in which they would be called upon to place in array the resources of this country against the resources of any other nation, they would probably have to put them in array against a country in which no corresponding disabilities existed, and in which Catholic and Protestant enjoyed the same privileges. He begged their lordships to reflect upon the consequences of such a state of things; for he could not permit himself to give utterance to all the melancholy anticipations which arose out of the subject. He had no wish, or regret, connected with this question, but what related to the interest and prosperity of the country. His only wish was, that those who had taken upon themselves the heavy responsibility of negativing the hopes and desires of millions, might be enabled to suggest such measures as would restore that tranquillity which was admitted to be wanting, and appease that distraction which they themselves had stated to exist; and his only regret was, that they had not hitherto been induced to state the means by which they hoped to effect those objects. He should now move, that the order be discharged.

The Earl of *Winchelsea* sincerely regretted that the noble marquis had abandoned his intention of bringing before their lordships the consideration of that great political question, the claims of the Roman Catholics; because he felt convinced, that the oftener that question was discussed, the more impossible would it appear to their lordships, to give to persons professing the Roman Catholic faith, perfect and full enjoyment of their civil rights; or to allow them to fill situations of high political trust.

The order was accordingly discharged.

HOUSE OF COMMONS.
Friday, March 9.

Poor Laws in Ireland.] Sir *N. Colthurst* said, he had some Petitions to present, to which he must beg to call the attention of the House. In the month of August, very considerable distress prevailed among the labouring classes in the city of Cork, and a public meeting was held for the purpose of devising some measure for their relief. It was numerously and respectably attended; and, after a subscription had been entered into for the immediate relief of the distress, a long and animated discussion arose as to the best means of preventing a recurrence of it. The result of that discussion was the adoption of the Petition which he now presented, praying the House to consider the expediency of introducing into Ireland a modified system of Poor-laws. This decision of the meeting, however, was so far from giving general satisfaction, that it created very considerable alarm among the inhabitants of Cork, and meetings were held in all the parishes, at which petitions were adopted, praying the House not to sanction the introduction of the Poor-laws, should such a measure be proposed. These petitions he begged also to present to the House. From the best opinion he could form of the subject, the introduction of the Poor-laws into Ireland would be a most dangerous experiment; and, under all the circumstances of that country, unsuited to it.

Mr. *H. Grattan* expressed himself strongly in favour of a modified system of Poor-laws.

Mr. *Monck* supported the prayer of the Petition. He thought this as much an English as an Irish question. The county of Berks, during the last year, paid no less than 1,000*l.* for passing Irish vagrants on their way from Bristol to London. In the time of Queen Elizabeth, it was on record, that the population of England produced a race of mendicants, half paupers and half marauders, somewhat similar to those

who now infested Ireland; but in that reign those laws were enacted under which the present system of Poor-laws was supported; and at that period the miseries and crimes attendant upon a state of mendicity had become almost unknown. In Ireland, previous to the Union, some attempts had been made to introduce a similar system, and particularly by an act which provided, that a penitentiary and asylum, to serve as a Bridewell, and a workhouse should be erected in every county. This act had, unfortunately, except in one or two instances, in Limerick and Waterford, remained almost a dead letter; and the benefits which might have accrued from it were consequently lost. In fact, it appeared, that in that unhappy country, the laws which related to the rich were executed with all attention and severity, while those relating to the poor were wholly neglected. In his opinion, there ought to be some power given to the party to exact from the Irish gentry and absenthe landlords, a provision for their poor countrymen. They received in the present corn bill, a valuable consideration, for which they, in fact, gave nothing; and he conceived that strict justice required them to relieve this country from the burthens imposed upon them by the Irish poor, through the means of some contributions, whether voluntary or forced, to their support at home. He was quite sure, that if the clergy of Ireland at all resembled the clergy of England, they would willingly give a fair proportion of their tithes towards the maintenance of the poor; and he must again express his earnest hope, that this session would not pass over without some provision being made on this subject.

Sir *John Newport* said, he was convinced, that the application of the poor-laws to Ireland would be attended with greater evils to that country, and produce greater want and misery than that which it at present suffered. In the district where he resided, there was not, for the space of eleven miles, a single individual to whom the duties attendant upon the administration of any part of a system of poor-laws could with safety be confided. Even in those parts where the country might be more thickly peopled, and the persons fit for the offices more numerous, he feared that they were not sufficiently so to prevent a system of jobbing which must be extremely pernicious in a country so poor, and suffering so much from all kinds of misrule. He had no disposition to speak ill of his countrymen; but he felt that the majority of its poor had a propensity beyond the people of almost any other country, to live without labour. A system of provision like the English poor-laws, would have the effect of encouraging that propensity to a great extent; for, if it was once held out to them, that they could live, under any circumstances without labour, he was convinced that no labour would be done. This was not the proper time to enter upon the question; he would only, therefore, observe, that any system of parochial assessment, to be distributed under the authority of those who could, under the present state of Ireland, be found in these parishes, would be productive of great evil, and lead to fraud and delusion. The question was one, however, of considerable importance; and he would be happy to have it ascertained, whether or not the system of English poor-laws might not be beneficially applied to some parts of Ireland, where greater means were afforded of having its provisions faithfully executed.

Mr. *G. Dawson* said, that whenever the poor-laws were mentioned in that House, he could not omit any opportunity of raising his voice against the introduction of them into Ireland. The right hon. baronet had justly represented the state of society in Ireland, and the consequence which would result from introducing the poor-laws into that country. Whatever sums were raised by county assessments, parish-rates were levied upon the occupying tenants, and to suppose, therefore, that absentees would be affected by it was a perfect delusion. Such great landholders as the duke of Devonshire and lord Fitzwilliam, would not pay a sixpence. It would all fall upon their tenants; and thus it would happen, that not the aged and infirm, but the idle and vicious, would be enabled to live on the earnings of the industrious.

Mr. *Maurice Fitzgerald* said, that as he had given notice of a motion connected with this subject, he would not trouble the House with any observations now. He must, however, say, that the hon. member for Reading had advanced some of the most extraordinary propositions that he had ever heard. He was much obliged to his hon. friend for having told the House, that, on the principles of the

union, Ireland had just as much right to export grain to this country, as Berkshire had to send into any other county in England; but then he wished, at the same time, that Ireland should be taxed by poor-laws in the same manner as Berkshire was. From such a proposal he should certainly dissent; and he trusted that the House would not be deluded by these partial observations, into the supposition that the poor-laws could ever be successfully introduced into Ireland.

Mr. *H. Grattan* said, that the poverty of Ireland not only was and had been very great, but that its poverty had cost this country no inconsiderable sum. The hon. member then adverted to the subscriptions which had been raised in this country, in 1822, in order to relieve the distresses which then prevailed in Ireland. In the city of Dublin, at this present moment, not only poverty but disease reigned every where. The hon. member then read, from a report of the state of the poor in Dublin, an account of the number of destitute in different parishes, and declared, that in many, a great part of the population was supported by the contributions received from benevolent individuals, who were encouraged to give their bounty on the application of the residents of the parishes, going round from house to house. Want, disease, and misery, went hand in hand in that unfortunate city; and, unless something was done speedily by the government, a state of things must ensue, which it was painful to contemplate. Something ought to be done, and done shortly; for, although the hon. member for Derry might contend that the poor-laws were inapplicable to Ireland, yet, when the question was between life and death, extraordinary remedies must be their only resort.

General *Gascoyne*, as one of the representatives of Liverpool, felt himself called upon to protest against the system of passing vagrants to Ireland by that port. Upwards of one third of all the rates collected in that town were expended upon the passing of Irish to their own country. He must either beg the hon. member for Wicklow to persevere in the motion of which he had given notice, or call upon the House himself to adopt some measure, which might relieve his constituents from the annually increasing burthen thus imposed upon them. The people of Ireland had very good reason for giving encouragement to the emigration of Irish labourers. They came to this country poor and destitute; and after labouring, to the injury of the working classes in England, they returned to Ireland with money sufficient for the payment of the rent of those farms which the hon. member for Derry described them as taking so improvidently. He did not wish to undervalue the merits of the industry of the Irish peasant; but he was satisfied that their emigration to this country produced evils which ought to be corrected.

Sir *H. Parnell* contended, that no relief, such as that suggested by the hon. member for Dublin, could prove effectual, until there was a greater security for property in Ireland, and until the rate of wages was increased by the employment of capital. As long as the Irish peasant could not find labour at home, or labour at so low a rate of wages as to be insufficient for his support, he would leave his country whenever an opportunity presented itself.

Colonel *Trench*, while he deplored the state to which Ireland was reduced, could not consent to emigration as a remedy for its evils. He was convinced that if the plan of emigration was put into effect, to the extent proposed by those who embraced it, its effect would be to carry away from Ireland all its best labourers, all those who possessed industry, skill, or a small capital; and that instead of leaving that country in a condition to become better, it would deprive itself of all the elements of prosperity.

Mr. *J. Maxwell* complained of the inundation of Irish into Scotland, where they could neither be relieved nor supported.

Mr. *Van Homrigh* described the condition of the part of Ireland which he represented as most deplorable, as there were more than five thousand paupers in Drogheda and its vicinity.

Mr. *James Grattan* said, he had heard some hon. members, and among them the member for Derry, say, that the poor-laws must make the state of Ireland infinitely worse than it was. Now, the hon. member for Drogheda had just stated, that there were five thousand paupers in one district, and he would ask what state could be worse than that? What alteration could place them in a state more deplorable? He knew that, but for the exertions of a Mendicity Society, supported by voluntary contribution, in the city of

Dublin, it would be impossible, at that very moment, for any shop-keeper to keep his door open for the purpose of carrying on business. But for the exertions of that Society, the doors would be so besieged with mendicants, that all passage must be impossible. With respect to the motion of which he had given notice, he certainly could not pledge himself to press it, in opposition to the declared hostility of so many Irish members; he would reserve himself, therefore, for a future occasion, merely declaring that his opinion, as to its expediency, had not undergone any material change.

Ordered to lie on the table.

CORN LAWS.] The House having, on the motion of the Chancellor of the Exchequer, again resolved itself into a Committee of the whole House, to consider further of the Corn Trade Acts,

Mr. *W. Whitmore* rose to submit the Resolution to the Committee, which he deemed necessary, in consequence of the Resolutions submitted on a former night, by the right hon. Secretary for Foreign Affairs, not being, in his opinion, such as to afford satisfaction, or to meet the exigences of the country. He implored the indulgence of the House whilst he called their attention to this most important question—important to all classes of the country—to some a question of life or death, and one on which he hoped the fullest and most deliberate discussion would take place, before any measure was hurried through the House and hastily adopted. In what he was about to offer, he would regard the subject with a view to the general interests of the whole country; satisfied that he would thereby act in a manner most conducive to that interest—the agricultural interest—with which he was himself connected, and which would be most affected by the measure now before the House. Having thus claimed the indulgence of the House whilst he addressed them on this most important, as well as most intricate and difficult subject, he would, without further preface, proceed shortly to lay before the House his views upon it. Before he proceeded, however, to state his opinions as to the effect of the principle of prohibition, he would admit that the measure introduced by the right hon. Secretary was an improvement, but yet a slight improvement, on the former system. There were two consequences invariably resulting from a principle of prohibition, from which the present measure was not quite free; first, that it led to a great fluctuation of prices, with all the mischiefs attendant upon fluctuation; and secondly, that in proportion as you stop the trade in corn, in the same proportion do you interfere with the price of labour which is depressed at home, and raised abroad. Besides, the effect of such a principle is, that the fluctuations of seasons are felt with accumulated pressure; the supply is rendered precarious; and a discouragement given to the growth of corn abroad—a permitted regular importation of which into the country, would have the beneficial tendency to produce the desirable result; namely, equalization of prices. Add to this—that when a supply is required, from a regular supply and demand not being kept up from abroad, the price is always high. This inability to get the quantity you require, together with the effect of opinion, which always has a tendency to raise the price above the necessity of the case, keeps up the price to an enormous and most pernicious height. But, after a time, the fall is carried to as great an extent on the other side; and this sudden and great fluctuation it is, that is most injurious to the agricultural interests. It produces an unnatural state of things, and falls with a pressure that it is lamentable to contemplate on the farmer, who has, as at the time when the price was high, to pay the poor-rates, tithes, and other heavy charges, to which the agricultural interest is principally liable. It was said by some gentlemen in the course of this discussion, that the great fluctuation that occurred in the high prices in 1817 and 1818, and the low prices of 1820 and 1821, occurred from the great import of corn. But this, though it might be a concurrent cause, was not the only one producing that fluctuation. In the spring of 1818, 1,500,000 quarters of wheat—the greatest quantity ever imported in one year into this country—was imported, he must say, without a corresponding necessity for such importation. The harvest of 1819 was a good, at least a tolerably good, harvest, but that of 1820 was a great harvest. From the great abundance, therefore, supplied from these two sources—excess of importation, and an extraordinary harvest—there was a quantity in the country which its con-

sumption could not absorb. This produced the depression down to 43*s.*; and similarly great and sudden depressions must inevitably occur again if we continue to cherish the principle of prohibition. This violent fluctuation in prices is injurious to no interest more than the agricultural. All the various charges incurred by the farmers were augmented by the price of corn continuing high for a period of two consecutive years. His arrangements of various kinds were contingent upon the continuance of high price; and, therefore, when a fall in price suddenly came upon him, he became involved in difficulties and embarrassments which followed from his relying on the continuance of high prices and high rents. He had himself felt the embarrassments resulting from such a violent and sudden change; and it was to prevent the recurrence of them to himself and others, that he wished to see the principle of prohibition superseded by a regular trade in corn, subject of course to such regulations as would afford adequate protection to the home-grower, but at the same time hold out fair encouragement to the foreign grower, and an inducement to foreign importation. Having enforced the inexpediency and danger that would result from the principle of prohibition, he would next call the attention of the committee to the mischief that must accrue from keeping up the price of corn in this country to an artificial height, and to one quite disproportionate to the cost at which corn was grown on the continent. This was an important view of the question in this commercial country. Capital was the life and active principle of that commerce, and on the profits of that capital the subsistence of so many depended. By raising the price of corn here by prohibition, or by high duties equivalent to prohibition, you increase the price of labour; and, as the profits on capital depend on the prices of labour, the effect of a high and artificial price of corn is, to diminish the profits on capital; and is it to be supposed, that capital will remain in this country, if the profits upon it are reduced, and if higher profits can be realized abroad? And it should be further considered, as the price of labour is raised here, it is lowered abroad. Again, he would say, that if we continued our present system, capital, so necessary to a great commercial and manufacturing country, would flow from it. Suppose, that in the ports of the Baltic, corn is 25*s.* a quarter, and that in this country it is 60*s.*—will not this difference of 35*s.* operate as a premium to the capitalists of this country, to transfer their capital abroad, where there is a promise of its yielding larger profits. It was a principle implanted in the breast of man, which had ever been and ever would be acted upon, that wherever the largest profits could be realized upon capital, there capital would be employed. Individual attachments might bind a man to his country and his friends; but, although he might continue to reside here, his capital would be employed abroad. This was true in theory it was also true in practice. That high duties upon the necessaries of life were fatal to the prosperity of commercial and manufacturing countries, was shown by a passage in Adam Smith, which he would read to the House. It was as follows—"Duties upon flour and meal, when ground at the mill, and upon bread, when baked at the oven, take place in many countries. In Holland the money price of the bread consumed in towns is supposed to be doubled by means of such taxes. In lieu of a part of them, the people who live in the country pay every year so much a-head, according to the sort of bread they are supposed to consume. Those who consume wheaten bread, pay three guilders fifteen stivers; about 6*s.* 9½*d.* These, and some other taxes of the same kind, by raising the price of labour, are said to have ruined the greater part of the manufactures of Holland." Was it not consistent with common sense, with the experience that they all had with the world, that if a men could only get a return of three per cent on his capital in this country, and could get a return of ten per cent upon it in Germany, or any other country, he would employ his capital in the country in which his capital was most productive? It may be within the recollection of the House, that, some time ago, when the interest on money was so low in this country, capitalists employed their capital in foreign loans, which yielded a larger interest, and thereby so much of the country's capital was withdrawn from the support of its commercial and manufacturing prosperity. The residence of capitalists here, after the outlay of their capital in other countries, was unimportant; many of the Dutch capitalists resided

in Holland, after they had disposed of their capitals in foreign loans. He dwelt thus much on this part of the subject; for it should be borne in mind, that were it not for the wealth of the country, that House would not be in a situation to make Corn-laws. If capital was lost, the life that supported those laws was gone; for they depended on the wealth and the population of the country. They were a useless and idle letter, if there was not a population in the country with mouths to consume the corn, and wealth in the country to purchase it.—Now, as to the new system which it was proposed to substitute for that which was in force, it was not easy to see all the evils that might follow from it; it would be sufficient to shew that some great evils would result, to induce him to withhold from it his assent. He did not think that the evils to be apprehended from fluctuation of price would be corrected by commencing the duty at 20*s.* when the price was at 60*s.* If there was a deficiency in the supply, the price would easily rise to 65*s.*; and if by the fall in the stock of grain here the price should rise to 70*s.*, the foreign grower would pour a great quantity into this country at a great advantage; for, although there would be an increase of 10*s.* in the price, yet there would be a diminution of 19*s.* in the duty; the duty at 70*s.* being one shilling—and thus we should be again subjected to those irregular jerks and convulsions, which the right hon. Secretary was desirous to avoid. It was preferable, in his opinion, to adopt the principle of feeding the market by holding out inducement of regular supply to the foreign grower, and thereby securing that which was most desirable—steadiness of price. Now, as to the averages from which so much good was contemplated by taking them weekly, he confessed he had great doubt if there would not be as much, or even greater, temptation to fraud, from taking them weekly, than from taking them quarterly. If the averages were to be struck weekly, so that the averages of one week were to regulate the averages of the next, it should be considered, that it was easier to effect a fraud at a short notice than at a long one. If, for instance, a party entered into a conspiracy to import six hundred thousand quarters of wheat (the averages of one week being 60*s.*), and if by purchases at home he were to raise the averages of the next week to 65*s.*, this importation gives him a profit of 300,000*l.* This fraud was much more easily effected when the averages were taken weekly, than if taken quarterly.—He would now refer to the resolutions proposed by the right hon. gentleman, and those which he had moved by way of amendment, and he would show that his were not at all inconsistent with the principle which the right hon. gentleman had laid down. He fully concurred in the opinion, that a fixed duty would be desirable where it could be established; but he doubted its applicability to the prices at which it was proposed to place it. The high prices at which it became fixed were those which corn rarely attained, and the low price at which it was again to be fixed, were those to which it seldom descended. To do away with any ground of clamour at either end, he would propose, that when corn rose to 50*s.*, and under 51*s.*, the duty should be 20*s.*, instead of fixing that duty at 60*s.* as was proposed by the right hon. gentleman. He would then have the duty decreased 2*s.* for every 1*s.* which the price rose above 50*s.*; and increased 2*s.* for every 1*s.* it descended below it; and whenever the price rose to 55*s.* and did not exceed 65*s.*, he would have a fixed duty of 10*s.* This, he thought, would go, in a great degree, to remedy the defect in the resolutions of the right hon. gentleman, and would prevent that great fluctuation of prices, against which those resolutions did not sufficiently guard. Supposing wheat to be at 55*s.* with an import duty of 10*s.*, he would be prepared to contend, that at that price there could be no importation at all injurious to the British agriculturist. In proof of this position, he would refer the committee to the returns of the amount of corn imports from the year 1773 to 1815, from which it would appear, that in no one year, with the price as low as 60*s.*, had the quantity of wheat imported exceeded six hundred thousand quarters. At higher prices, no doubt, the importation was greater; for instance in the years 1800 and 1801, which were years of great scarcity. With the exception of those years (his reasons for omitting which would be evident), it would appear that, from the year 1795 to the year 1805, with the price at 63*s.*, the importation did not exceed four hundred and eighty thousand quarters. With the experience, then, of those years before him, he was fully justified in contending that, with corn at 55*s.* and an import duty of

10s. there could not be any amount of foreign wheat imported, which would be injurious to the British agriculturists; that all the alarm existing on that ground would be found wholly illusory, and that the fears of those who believed that the effect would be to throw all the poor lands out of cultivation, would turn out to be equally unfounded.—This led him to another and a most important part of the argument. It was said that, if we imported even so small a quantity of foreign wheat as six hundred thousand quarters, it would displace so much British corn, and by that means materially lessen the value of the whole. This argument was founded on the assumption, that our own home stock was fully equal to all the demands of our market. He very much doubted whether that was the case. True it was, that since 1820 we had a very slight addition to our home stock from foreign importation, except what was some short time back let out of bond, and the small quantity which we got from Canada. But, then it should be remembered that we had, up to that time, a stock on hand, which was generally equal to three months' consumption. Let the committee consider what had taken place since 1820. From that year to the year 1823, the price continued to decline; so much so that almost all who had speculated in corn from autumn to spring, and from spring to autumn, lost considerably. Those losses continued, and were so heavy, that at length all speculation ceased; and when it was announced to be the intention of government to make an alteration in the Corn-laws, no person who could get rid of it would hold corn; and he believed it would be found, that there never was a smaller quantity on hand than at the present moment. He should be told that this was an old story, and that he had said the same thing in 1825 and 1826. He had said so; and his opinion, which was still unaltered upon the subject, was, he contended, borne out by the facts. He now repeated what he had said in 1825 and 1826; and maintained, that if, unfortunately, the same system of Corn-laws, or one approaching to it was continued, we should find ourselves in difficulties from which it would be very difficult to escape. He knew that his forebodings on this subject had been laughed at; but, though it was found convenient to laugh at them on a former occasion, those who did so had been since glad to avail themselves of a measure, which added to the home stock, by importations from Canada, and by taking some foreign corn out of bond: and, but for that measure, we should have been compelled to open the ports. Then, if what he had said in 1825 and 1826 was true, it was equally so in 1827; for, though the last harvest was in wheat a fair crop, it was in other kinds of corn much below an average crop. The wheat of the last harvest was in a dry state, and sooner fit for use than for several years; we began our consumption of it much earlier than usual; and we were now going hard upon our stock. He did not say this with the view of exciting any alarm; but he thought it was best to look at once to the real state in which we were placed with respect to the amount of our stock on hand. He would not assert that that stock might not be found sufficient, if consumption were to proceed upon its present scale; but if our trade and manufactures should be so much improved as to increase that consumption in any great degree, and if the next harvest should fall even a little below the last, we should find ourselves in a state which could not be contemplated without considerable alarm. Should such a state of things arrive, it would be found that the stock of foreign corn imported at 60*s.* or 65*s.* would be but small; and that it would get as high as 70*s.* before any quantity came in, large enough to give a sensible relief to the market.—He would now say a few words to remove what were urged as some of the popular objections to the view which he took of this question. Great alarm, he knew, had been excited in some minds, by the quantity of corn which it was thought might be imported from Odessa. Great stress, he knew, had been laid upon an assertion, that wheat might recently have been purchased, and that it was, in fact, purchased there at 7*s.* the quarter. He would state a few facts connected with this subject. The wheat which was thus mentioned was wheat that had been long kept. It was quite an inferior quality, and wholly unfit for the English market. There was a transaction now going on, which would show how unreasonable were any alarms of the landed interest, on the score of what could be procured from Odessa. One individual—(not one of those who was formerly engaged in the importations of corn from Odessa, the greater part of which, on its arrival in this country, had been found wholly unfit for

use, and was thrown away, but a person unconnected with the corn trade, and who had not burnt his fingers in it)—had entered into a speculation to bring corn from the port he had mentioned. It was purchased there, not at 7*s*., but at 18*s*. the quarter. The freight from thence, exclusive of insurance, was generally 12*s*., but at the present moment, it would, he believed, be found not to be less than 15*s*. the quarter. This brought it to 33*s*. To this were to be added the rate of insurance, and the profit of the importer, which he could not state at less than 7*s*. the quarter. Indeed, there were some who considered the risk so great, that they would not insure such a freight at any price. Thus, then, taking the charges he had mentioned, this wheat, though of an inferior quality, could not be brought to our shores at less than 40*s*. the quarter, to which was then to be added the duty. This statement would show from practice, and not theory, that there was not the slightest ground for any alarm, as to the corn which might be imported from that quarter. This, it should be remembered, was the price in Odessa, without the demand of the English market; but there could be no doubt, that when it was known that that market was opened, the price at Odessa would rise considerably above its present amount, and, with the increased price, the English grower need have no alarm as to the competition.—Another popular objection was, that by admitting foreign corn to our markets, we should, in a short time, be placed in a kind of dependence on the market of a foreign state, and that that state might withhold from us a supply at the moment when we should most require it. This objection was, he thought, altogether without foundation. The greatest effort of that kind which had ever been made was during the supremacy of Buonaparte. By his anti-commercial regulations he endeavoured to strike at the root of our trade, and particularly to prevent our getting a supply of foreign corn. But what was the result of that attempt? If they looked to the returns of the imports from the Baltic during the continuance of these restrictions, it would be found, that the quantity of foreign corn which reached our shores was very considerable; and that a large part of our supply came from the ports of France itself [hear, hear]. He would take the year 1810 for example; that year when the Berlin and Milan decrees were enforced with the strictest severity—that year when we had to supply an army in the Peninsula, and when it was an object of the utmost importance to the French Emperor to prevent our obtaining a sufficient supply; yet, in that very year it was remarkable, that we imported a very considerable quantity of corn from Flanders, Holland, and France itself—all which places were under the dominion of Napoleon. From France we got in that year two hundred and twenty-five thousand seven hundred and ten quarters; from Flanders, one hundred and sixty-seven thousand one hundred and fifty-four, and from Holland, one hundred and eighty-nine thousand and sixteen; making, in the whole, five hundred and eighty-one thousand, eight hundred and eighty quarters, from ports under the sway of that individual, who had made it a point to exclude the English from the markets of the continent, and who had endeavoured to cut off the supplies of our army in Spain. He could not give a stronger illustration of the utter inability of the government of any country to prevent a supply of corn, when a demand existed for it in another. If he were not afraid of fatiguing the House, he would call their attention to another important point connected with this subject, but he feared he had already trespassed too far on their indulgence. In conclusion, he would implore the landed interest to consider the situation in which they were placed. He would implore them to take care how they adopted a principle, which would not be one of union, but of schism and discord between themselves and the great mass of the people of this country. It was impossible to contemplate without serious alarm the evils which must result from an interruption of the good understanding which existed between the aristocracy and people of this country. Let him, then, implore the landed gentlemen to look well in time at the evils which must follow from the course which many of them seemed desirous to adopt—a course which, if it did not fail them immediately, would certainly do so in the result. Let him implore them to endeavour while there was yet time, to heal the breach which had already commenced, and of which, if further widened, it would be impossible to speculate upon the consequences. The hon. member then moved by way of amendment, "That whenever the average price of wheat, made up and published in man-

ner required by law, shall be 50s. and under 51s. the quarter, the duty shall be for every quarter 1l."

The original resolution, which made the same amount of duty apply to a price of 60s., was then read, and the amendment put.

Mr. *C. Grant* said, it would not be necessary for him to occupy the attention of the committee at any length. He did not feel called upon to follow his hon. friend into the detail through which he had gone, as only a small part of his arguments had reference to the question immediately before them. In the general principles, for which his hon. friend had contended, he fully concurred; but the question was, how far those principles applied to the measure before the committee? In the first place, his hon. friend had said, that the effect of the present system, as well as of the proposed resolutions, would be that of creating a fluctuation of prices. The right hon. gentleman then proceeded to defend the new mode of striking the averages weekly instead of quarterly, on the ground that it would be less open to fraud and combination than the old mode. He could see no reason why the hon. member for Bridgenorth should fix upon 50s. as the price at which he would affix the duty at 20s.; inasmuch as it was lower than the average price of wheat for the last seven years in this country; but he could see a very good reason for fixing upon 60s., as the point from which the scale of duties should spring, in the consideration that a protecting price ought to cover the expense of the agriculturist, and that for the last few years no less a sum than 60s. could effect that protection. Besides, of late years, a capital had been vested in agriculture, which would be seriously injured, if the hon. member's scale of duties was acceded to. The right hon. gentleman made a few other observations, which were inaudible in the gallery, and concluded by declaring his intention to oppose the amendment.

Sir *Henry Parnell* said, that having some years ago taken a leading part in proposing a measure on this subject to the House, he was anxious to state his opinion upon it; and more particularly so, in consequence of his name being mentioned in the letter, quoted last night by a noble lord, of the President of the Board of Trade. He was one of those who had to avow that he had, in some respect, changed his opinion; but this was a subject which, perhaps, of all others, justified such a course. If gentlemen would consider what the knowledge was that we had of it in the year 1813, when he first took it up, or, if he might be allowed to use the expression, the acquaintance we had of the science connected with it, it would appear that there were ample reasons on which any one might, and ought, to change his opinion. Since the year 1813, the subject of rent had been fully explained for the first time; whatever were the differences of political economists in other points, nearly all were unanimous in adopting the new views which were promulgated about rent. Since 1813, Mr. Ricardo published his new doctrines respecting wages and profits, and upon the tendency of low profits to promote the transfer of capital from this country to foreign countries. All these matters were intimately connected with the question of protecting agriculture. But, perhaps, the information we had of late obtained respecting the means of foreign countries to grow corn, and the price at which it could be sold in this country, was the most important, and that which ought to lead to changes of opinion. The hon. member said, that when he filled the situation of chairman of the committee which sat in 1813, he was so convinced by the best information which he could obtain at that time, that corn might be grown to an unlimited amount in Poland, and brought here at a very low price; that he, in consequence, believed that a protecting duty was necessary. The state of the case, as now more fully made known, induced him to take a different view of the question, and to feel that the agricultural interest had nothing to fear from a more free system, even than that which was now proposed.—He would now explain what the principles were on which he acted in 1813. In the letter of the President of the Board of Trade, he was represented as having proposed to this House a protecting price of 84s. He certainly had done so, but not by any means for the object that was commonly attributed to him. It was so much a matter of course to suppose that those who suggested a protecting price could have no other object but to establish a market price to the same amount, that he was not at all surprised, that he was so generally considered to have been an advocate for permanent high prices. But he really never had any such object in view. His

whole object was to secure, by the influx of a high duty, a sufficient supply of corn at moderate prices. He conceived that if Ireland was for some time protected from competition with Poland, an immense quantity of corn would be grown in that country, and that the consequence would be a fall of price. He might have been mistaken in the principle which he adopted; but the result proved that his prediction of the capability of Ireland to grow a greatly-increased quantity of corn was well founded. He had, he believed, been the first person to call the attention of the House to this view of our own resources for supplying ourselves.—In the year 1790, the lords committee of the Privy Council, in their report on the corn trade, said, that the western counties of England had nothing to fear from the competition of corn from Ireland, because that country could not grow sufficient for its own consumption: but now nearly 1,400,000 quarters, on an average of the last eight years, had been imported from Ireland. A fall of price, but not such a fall as he had anticipated, had also taken place; so that he might say, most correctly, that he had not been the advocate of any scheme of protection which had high prices for its object. He could refer to the report of the committee of 1813, in the drawing of which he had a principal share, and to his speeches in 1813, and 1814, to shew that he had always looked forward to moderate prices. He had never taken a part in committees, though put upon them, that had for their object a high remunerating price; and although he might have formed some opinions on the subject in 1813, which he now considered incorrect, he had not then, or ever been desirous of establishing, by act of parliament, a permanently high price of corn. The more he had examined the subject, the more he felt convinced that the danger of a more free system of trade in corn with foreign countries was exaggerated and unfounded. He did not think the subject was at all considered with such extended views of the different interests concerned in it as it ought to be. As it was of great use to take advantage of discussions like the present to set forth the various ways in which the public interests were affected; though it might lead to no immediate result, he would endeavour shortly to show that the opinion expressed by the hon. member for the county of Suffolk, last night, was not a correct one; namely, that the general prosperity of the country was equally promoted with the landed interest by protecting agriculture.—In the first place, as the consequence of protection was to raise the price of corn, those who were the purchasers of the forty or fifty millions of quarters of corn, which were annually consumed in this country, were obliged to pay several millions a year more than they would otherwise do for what they bought, they therefore suffered a positive injury. The effect of an increased price of corn on the wages of labour, was very injurious. If the labourers receive a rate of wages which is higher then the rate which is merely sufficient to keep up the stock of labourers that is necessary to supply the demand for labour, then the increased price of corn, by protecting agriculture, was nothing less than a tax on the labourer. He could not obtain repayment by his wages being raised, but was obliged to submit to a privation of his comforts. If the wages of labour on the other hand are only just at that rate which is absolutely necessary to keep up the stock of labourers, then the effect of the increased price of corn is to raise wages; but this would be an operation of some time; and, while it was going on, the labouring class would suffer greatly. Now, if it was true, as it was generally allowed to be, that every increase of wages was followed by a corresponding fall in the rate of profit, then one of the effects of protecting agriculture would be, to injure all the master manufacturers of the kingdom, and all persons who obtained their livelihood by employing labour. But a fall in the rate of profit generally would reduce the returns on the great number of millions of capital invested in industry, and consequently the annual fund for making new accumulations of capital, and the general wealth of the country. The protection of agriculture would contribute to depress capital in another way; namely, by lending a great amount of it to be employed in a less productive manner in agriculture than it would be employed if no protection existed. It was thus that one of the consequences of protecting agriculture was the diminishing of the means of the country to bear taxation. No doctrine advanced by the advocates of protection was less founded than that of the country not being able to bear its present amount of taxation, if wheat was to be as low as 55*s*. a quarter. It was evident that the

power of the country to bear taxation could depend upon nothing else than its general wealth; but if the consequences of protecting agriculture were to check the accumulation of capital in the way just described, protection, in place of affording the means of paying taxes, would have a contrary effect. Besides these injurious results, many others might be mentioned as necessarily belonging to the increasing of the price of corn, by restrictions on foreign corn; so that it was by no means so evident as some gentlemen supposed it to be, that the protection of agriculture contributed to the prosperity of the whole community. All that the advocates of Corn-laws had to say in defence of them was, that the increased incomes of the landlords contributed by their expenditure to benefit certain classes of society. But if the operation of this expenditure was traced in all its details, it would appear that very erroneous notices were entertained about it; because it could be proved that just in proportion as the landlords had larger incomes to expend, other classes had smaller. As to the effect which a freer system would produce in respect to the lowering of the price of corn, this seemed to be very greatly exaggerated. The prices of corn at Rotterdam were sufficient to prove this. There the price of wheat, for the last ten years, had been 49*s*., for the preceding ten years, 55*s*., and for the preceding ten years, 61*s*. As corn was imported there free, or very nearly free, of all duty, and from all parts of the world, and as Rotterdam lay so close to the English ports, it was manifest, that if the trade had been freer to this country, lower prices than them would not have occurred in England. In respect to the motion of the hon. member for Bridgenorth, he considered it, in point of principle, preferable to the plan proposed by government; but, as the latter would be a great improvement in comparison with the existing law, and as it was desirable in making a change from total prohibition, to yield to the actual circumstances of the agricultural interests, he thought it ought to be supported: but, being decidedly of opinion that the landed interest had nothing to fear from a still freer system, and seeing what injury arose to the community from a high price of corn, he would be ready at some future period to support any plan which would go further in admitting foreign corn.

Mr. *Liddell* expressed the great interest he felt in this question, from its importance, not only to the agricultural classes, but to the country in general; and he should be sorry, therefore, to give a silent vote upon it. He had not last night supported the amendment on the measures proposed by his majesty's ministers, because he considered those measures an improvement on the existing system. But now the House was called upon to sanction a very different proposition, although not an original one; for it struck him that the measure proposed by the hon. member for Bridgnorth was kidnapped from those originated by the right hon. gentleman on his side of the House; at the same time that he admitted, that in its present despoiled and disfigured condition, it was scarcely possible to recognise its former features. Conceiving, as he did, that the changes in the Corn-laws contemplated by government would be generally beneficial, he would support them with his voice, and must dissent from the amendment of the hon. member for Bridgenorth.

Colonel *Maberly* said, he was anxious, from his connection with a manufacturing district, to make a few observations on this important question; more especially as he feared he should be one of those, who, in the principles which he should feel it his duty to put forth that night, might be compelled to differ from the great majority of the House. He would, in the first place, beg to remark, that his hon. friend opposite appeared to him to have fallen into a mistake, in stating that the hon. member for Bridgenorth had kidnapped his proposition from the right hon. Secretary opposite. It appeared to him that the kidnapping had been directly the other way; for it was well known to every hon. gentleman who sat in that House, that for two years his hon. friend had continued to urge propositions analogous to that now proposed by his majesty's ministers. His hon. friend's propositions had been founded on the system of a duty varying in an inverse ratio, and, although its details might not have been exactly similar to those of the present measure, it fully corresponded in principle. Therefore, if there was any fault to be imputed for the taking up of measures which were sanctioned by expediency, the blame should attach to the right hon. gentleman opposite, and not to his hon. friend. He had risen mainly for the purpose of stating the grounds of his

dissent from the proposition of the right hon. gentleman opposite, as well as his disapprobation of the ancient law, and of declaring his intention to vote for the proposition of his hon. friend, the member for Bridgnorth, although even that did not appear to him altogether unexceptionable, or as completely suited to existing circumstances as could be desired. The measure brought forward by his majesty's ministers, and the resolution proposed by his hon. friend, as well as the existing law, which he rejoiced to find the great majority of the House unanimous in their anxiety to repeal—all these systems seemed to him founded in error. They were founded on the principle of a remunerating price to the farmer; than which he conceived a more egregious error, a more fallacious and prejudicial doctrine, never obtained; because, in proportion as the country advanced in population, that remunerating price must constantly advance in its amount; thus making it necessary to create a proportionate increase in the protecting rate. Let the House look to the progress of the Corn-laws, and they would find ample proof of the truth of this position: in 1774, a low rate of duty was fixed; in 1791, this rate was raised; in 1815, it was again raised; in 1822, the rate was nominally lowered; but, on account of the prevailing pressure, it was, in fact, raised still higher. This gradual increase must proceed; and, for this reason alone, if he had no other objection, he would oppose any system founded on that principle. It was well known that great quantities of poor land had been taken into cultivation, in consequence of the high price and increased demand for grain; and, were they to go on giving the cultivators of such land that which would be considered a remunerating price? Upon these grounds it was that he objected to making laws, with a view solely to the preservation of remunerating prices. He supported the amendment of the hon. member for Bridgnorth, because he felt that the principle upon which it was founded would lead to a free trade in corn. That there ought to be that free trade, was the opinion of Mr. Ricardo, in the committee up stairs. He could not help regretting, that his hon. friend had not so framed his resolutions as to guard against the sudden rise or fall of prices. He would ask, what security the farmer now had against enormously low prices? The double evil was, that no protection of this kind was extended to the agriculturist on the one hand, nor to the manufacturer on the other. He thought it would be infinitely better to fix, by law, the amount of duty payable on corn, than to leave the relaxation of the law to the government; which seemed to him to be an unconstitutional mode of vesting them with discretionary power on a most important subject. The situation in which the committee was placed, was this: there was a system of monopoly on the one hand, and resolutions founded upon principles of free trade, but coupled with restrictions, on the other. The only choice seemed to be between the two. He disapproved of both; but less of the latter than of the former; and unless a third proposition should be made, he should give that which appeared to him the more liberal measure, his cordial support.

Lord *Milton* said, that, although he thought the system now proposed did not go far enough, it nevertheless seemed to him a great improvement upon the one from which government were about to depart. He was afraid that few members of the House would agree with him, and with his hon. friend, to the full extent of the principles upon which they were inclined to act; but, for himself he should say, that he agreed fully with every thing which his hon. friend, the member for Bridgnorth, had said about a remunerating price. He wished the committee to consider what was the state of the country, if the principles which had been laid down by his hon. friend were true. A further advance in prosperity, and an increase in the numbers of its population, would produce, as an almost necessary consequence, an advance in the price of food; and in proportion as the price of food rose, the greater would be the necessity of having recourse to sterile soils for the production of corn; and consequently the greater would be the expense of feeding the population. If that population was industrious, and by industry was adding to the general wealth of the country, it was most desirous that they should be fed at the cheapest rate. It was said, by the opponents of the present measure, that if the price of corn was reduced, the strength of the landed interest would be reduced in the same proportion. He begged to say that he respected the landed interest—

that he wished them to be powerful and wealthy; but, at the same time, he wished them to be esteemed by all classes of their countrymen. He confessed that nothing had given him more pain than what he witnessed last night; when he saw the great aristocracy of England deserting the ministers, whom they had before supported, and when he saw his noble friend (lord Clive) whom he much esteemed, at the head of those deserters, quitting their old friends, and struggling for an advance of 4*s.* per quarter on the price of corn [hear, hear!]. The result of this conduct—of course he did not mean to say the object of it—was to obtain so many shillings increase of rent per acre. He was sorry they should have so abandoned their friends; but he knew that it was done, not for the sake of themselves, but for the advantage of the farmer and the agricultural labourer. It was said, that high prices were necessary, as the expense of outlay in taxes in this country was so great, that without high prices the agricultural classes could not pay them. If it was true that it was those taxes which rendered the expenses of cultivation greater here than in the other countries of Europe, then he thought the exact difference which those taxes created should form the criterion of the amount of the protecting price. It was also said, that the poor-rates fell more heavily upon that part of the landed interest engaged in producing corn. He denied the proposition; and he felt convinced that it fell equally upon all kinds of land, and not merely upon land but upon manufacturers. It seemed to him a great error to speak of the poor-rates as a tax falling only upon the land. Within the last few years, it had been thought right to levy a new rate in Yorkshire, and the result of that levy proved the fallacy of the opinion to which he had alluded. One large town in that county now paid in poor-rates the sum of 90,000*l.* per annum; a sum which would cover a large proportion of the rates levied upon many of the counties of England; and amounting, in fact, to about the rate that would be paid upon a hundred thousand acres of land. He was fully persuaded, that if we attempted to keep the price of corn in this country above the level of the price paid for the same article in other countries, it was impossible that England could continue her commercial intercourse with them.—He knew that one of the objections to the present measure was, that a large proportion of poor land now in cultivation would be thrown out of cultivation. He admitted the fact, but he denied the inference attempted to be drawn from it; namely, that the country would suffer a loss, equal to the amount now expended in that cultivation, as that amount could be better and more beneficially employed in supporting other branches of industry; so that the good thus produced would far more than counterbalance the evil. What, he would ask, was the effect of every shilling added to the price of the quarter of wheat? What! but to increase the price of the most necessary article of life? Suppose the amount of corn consumed annually in this country was twelve millions of quarters—an advance of a shilling per quarter would make up a sum of 600,000*l.* per annum, paid by the consumer. This was in itself no trifle. But that was not all: for the committee were now divided upon the question, as to the advance of several shillings, and the difference between the proposition of the government and that made by his hon. friend, the member for Bridgenorth, would go to impose a tax of nearly six millions a-year upon the people—a tax which it was too much to require them to pay, at such a moment as the present. He could not here abstain from remarking the speech of the right hon. the chancellor of the Exchequer, delivered last night; in which it was avowed, in effect, that, on the point of principle, the interest of the manufacturing classes had been consulted upon the present measure; but that with regard to the question of price, the interests of the agriculturists alone had been consulted. He could not but lament that government should propose, as they now did, to establish a system, which seemed to him to go only to create a progressive increase in the price of corn, beyond what it was now found to be. For this reason, that he thought the proposition of the right hon. Secretary by far too favourable to the agricultural interest, he should support the amendment of his hon. friend, the member for Bridgenorth.

Sir *T. Gooch* said, he did not think the advance of 4*s.* a quarter such a trifling matter as the noble lord seemed to consider it, with regard to the landed interest. What would be the consequence of getting low prices? Why, all classes must suffer a reduction in their income. The land-

bravery; but were they not fighting for poverty and workhouses, while the landed interest did not pay sixpence towards the expenses of the war [hear! "question!"] He would prove it. In the twenty years previous to 1792, the only variation in the price of wheat had been between 45*s*. and 45*s*. 9*d*. per quarter. An enormous advance afterwards took place. The stoppage of the Bank of England, which was considered a great national calamity, produced, at least, this benefit to landlords—it raised the price of agricultural produce so extravagantly, that the value of the property of the landed interest was increased, at least one-half, and the landlord was thus more than reimbursed for all he contributed towards the expenses of the war, undertaken for the protection of his property. Corn rose from 45*s*. 9*d*. to 88*s*.—an advance of about seventy-five per cent. After what had been absurdly called a revulsion from war to peace, it was to be expected that every thing would decline in price and value. War had elevated the value of the land, next the value of the produce of the land, and afterwards the price of labour; but the return of peace had lowered manufactures from thirty to forty per cent. And, upon what principle was it, that land alone was to be kept up at an artificial value above its due proportion? Taking the price of wheat at 55*s*. it gave the cultivator of the soil 10*s*. per quarter above the price it bore for twenty years previous to the war. He had much respect for the landed interest; they were men generally who had a good deal of time upon their hands; who had leisure to do good and to reflect upon the best mode of doing it. He had always thought that to the exertions of the landed proprietors, the country was greatly indebted for the preservation of its liberty and privileges. They were men also who saw their own interests pretty clearly; but he must say, that they seemed to have no conception of the difficulties and privations to which other classes were reduced. The population of the kingdom had increased one third; but if it had been augmented to three times that amount, the manufacturers were still to be told, that they were to obtain bread only from the produce of the country. They were not to be allowed to import corn, but to export and expatriate the surplus population. There were Colombian and Canadian Societies, and Committees of Emigration, employed in contriving means to send a once happy people for ever from their native soil, merely because they were not to be allowed to eat the bread of industry at home. Such was the condition to which the country had been reduced, and in which it was to be kept for the sole benefit of the landed interest. It had been said, that the landed interest were the best customers of the manufacturers; and it might be true if they would but buy enough, and at a sufficiently high price; but, if the landed interest would only purchase a small quantity, and that at a low price, the manufacturers could not live. At that moment the quantity of manufactured goods was far beyond the consumption of the country, and all the manufacturer asked was, to be permitted to export some of them to Poland, in order that he might there buy wheat for his starving family. He had seen some curious calculations.—[Here the worthy alderman stated the calculation which related to a farthing a day taken from the labourers of the country, and to a guinea which each might accidentally find in his pocket, but the impatience of the House did not allow what he said to reach the gallery.] It might be thought by some members that it was impossible for any but a landed member to understand the subject; but he had himself been a farmer in his time, and had sold wheat as high as 133*s*. per quarter, and as low as 50*s*. per quarter; and oats as high as 60*s*. per quarter, and as low as 17*s*. per quarter. He was of opinion, that it was just as reasonable to assert, that the landed interest could form no adequate notion of the distresses of other classes of society. They had applauded ministers, on a former night, for their liberal policy, for the free trade they had established in silks and cottons, to the very echo; but the moment a hint was given that the same principle might be applied to grain, then they started back with horror from the proposition, and declared that corn was a sort of sacred commodity, which it was almost impious to touch. Ministers had, perhaps, done all they could, or, at least, all that the landed interest would let them do, for the benefit of the country at large. If they wanted taxes, the landed interest gave them taxes; if they wanted supplies the landed interest gave them supplies; if they wanted to cut down a man's income in the funds, to the

extent of one fifth, the landed interest readily supported the project, and one fifth of the funded income of the country was seized "at one fell swoop." But, if ministers ventured to touch the land, the country gentlemen instantly became the pillars of the state: "We support the labouring classes — we pay the taxes — the poor-rates, the county rates, and, above all, we pay, and support you," they said, like the servant of the Commoner to the servant of the Peer, in "High Life below Stairs:" — "Suppose we stop your supplies, what becomes of your dignity then?" But for this combination between the landholders and the place-holders, neither of them would be able to drink their Burgundy and Champaigne, while millions in the country had not bread to eat, and, what was worse, were not permitted to get it. Honourable members were, perhaps, not aware, that there had been no less than three thousand five hundred cases of bankruptcy and insolvency last year. Not only paupers from want had been led to the commission of crime, and thus filled the calendar, but thousands of individuals in the middle classes, who had hitherto supported themselves with respectability, were now on the very brink of ruin. Was such, or any thing like it, the condition of the landed interest? All men must yield to circumstances: at this moment they were imperious: distress was general, and unequalled in severity, and relief must be afforded. If the price of wheat was taken at 60*s.* it would operate as a prohibition, and corn would never be sold cheap again ["question, question."] Had he been addressing an audience on which there was even a remote chance of producing conviction, he should have spoken with more confidence and effect; as it was, he had been anxious to perform his duty, and if he had done so imperfectly, the blame was not imputable to himself.

Mr. *Baring* said, that this was a question in which every gentleman who spoke on the subject had some particular interest. —It was impossible it could be otherwise. At the same time, he was confident that the House would decide equitably and honourably. The worthy alderman had said that the landed interest paid nothing towards the taxes. Surely he had forgot that the manufacturers had had the same extraordinary protection as the agriculturists, and that, during almost the whole of the war, the ports were open. The noble lord who spoke last but one, had said, that he had no objection to low prices, provided the corn was British? Was the noble lord aware that such was the growing extent of the population of this country, that British corn would not feed the people? The first duty of the government was to take care that nobody should starve. We must be an importing country; and the next question was, under what regulations we were to be an importing country? They must protect the landed interests if they desired the establishments to be maintained. He could not object to cheap bread; but if that cheapness could only be obtained by sacrificing the establishments, in such case he must, as he did, enforce the necessity of protecting agriculture, to enable the land to bear its share of the burthens of the country.

Lord *George Cavendish* gave great credit to the hon. member for Bridgenorth, for the manner in which he had introduced his amendment; for this was a subject of vital importance, and thanks were due to any man who afforded the House and the country, and ministers themselves, materials for sifting the matter to the bottom, and examining the question in all its bearings. He confessed, that from the wise and liberal spirit which ministers had displayed on several occasions, he was disposed to place much confidence in them. A great clamour, it was well known, had arisen on this subject, both among manufacturers and agriculturists. But, considering that ministers seemed disposed to deal impartially and justly with all parties, and that they had had much greater opportunities of investigating the real state of the question than others could have had, he trusted that the measure would pass upon the terms which they had suggested. He need not trouble the House with any further remarks except this—that the subject of the commerce in wool was one of the greatest importance, and one which ought to receive the speediest and most mature consideration. Without some additional provisions and regulations, made with reference to this matter, the late law, with respect to weights and measures, might lead to a great deal of confusion.

Lord *Howick* also gave great credit to the hon. member for Bridgenorth. But he could not agree with him, nor with the worthy alderman, that the landlords had been repaid by the high prices of grain for their peculiar burthens; for this, among

other reasons, that they had often been compelled to borrow capital at a higher rate of interest. He was not altogether satisfied with the amendment of the hon. member for Bridgenorth; but, on the whole, he liked it better than the propositions of ministers, and would therefore vote for it.

Sir *F. Burdett* said, that he found he differed so much from many hon. members, that perhaps the committee would excuse him if he trespassed longer on their attention than would otherwise be necessary. He could not, however, avoid premising that there was one unfortunate and prevalent error on this subject; namely, a general impression that there was a contention of interests in the state between agriculture and manufactures. A worthy alderman had in some degree lent his countenance to this error. The worthy alderman had accused the landed gentlemen of being a peculiarly grasping avaricious class of persons. However, justice ought to be done to the worthy alderman, for, in another part of his speech, he had said, that the landed gentlemen were amongst the most liberal in the country. In such opinion he cordially agreed with the worthy alderman. He repeated, what he had on a former occasion declared; namely, that there was no class of men in this country (and if not in this country, not in the world), more liberal, or more considerate, in all their dealings than the country gentlemen of England—the class to which he had the honour to belong. The hon. alderman seemed to think it an absurd position to say, that if every man in the country had a guinea in his pocket to-morrow, no man would be the better for it. Nevertheless, such was clearly the fact; because, as every man would remain in the same relative position, no man would be able to command more of the conveniences and comforts of life. When the House considered, that the landed interest was that out of which every other interest sprung—that without a productive agriculture there could be no large body of merchants and manufacturers—no great quantity of goods sold or manufactured—no traders exchanging produce between the two bodies; that, in fact, all commerce grew out of the prosperity of agriculture, they must be convinced, that the interests of both were one and the same, and that all depended on the welfare of the landed interest. If that was impoverished, all the other interests must suffer with it. He was aware there was one class of persons who had indeed a different interest. He alluded to the national creditor, the annuitant, and those who were in the pay of government. These formed what was called the unproductive part of the community. But though their interest was really opposed to that of the rest of the community, the difference was not such as to excite their jealousy or hostility. Something had been said, in the course of this discussion, respecting the change that had been made from the Winchester measure to that which was termed the Imperial measure. This change would illustrate his opinion of the cause from which all the difficulties of the country had arisen. He was one of those who thought that the distress of the country was altogether of an artificial nature—that it resulted from bad legislation, and from bad legislation alone. There had been another very material change, not only of the bushel that was applicable simply to corn, but of that common measure of the value of all commodities in the land, which was called currency. And this change had been nearly in the same proportion as that from the Winchester measure to the Imperial; namely, about one third. The country gentlemen found themselves embarrassed because they were called upon to pay the same amount of taxes out of a diminished income. Suppose, for example, an act of parliament had been passed, requiring persons who had entered into contracts in the Winchester measure to fulfil them in the Imperial measure, could such a proceeding be justified? Would it not be a gross fraud upon those who had entered into the contracts? This was just the case of the country. Government, he believed, was not aware of the effect it would produce, when it changed the currency. It was his opinion, however, that, if that currency had not been altered, there would have been no agricultural distress. What was the evidence of facts upon this subject? During the twenty years previous to the late change in the currency, there had been no distress in the country; but, on the contrary, while there was a large annual importation of foreign corn, every interest, including that of agriculture, flourished in an extraordinary degree. The only wonder was, how, after so prodigal an expenditure, the country had not only been able to bear it, but, at the close

of that war, to find itself more flourishing and more prosperous than it was at its commencement. The agricultural interest had never been injured by the importation of foreign corn until another cause had operated upon it; and then, and not till then, distress ensued. It was palpable that the whole evil had arisen from mistaken legislation. He believed government had intended well. The principles on which they had acted were good in the abstract, but not applicable to the circumstances of the country when they were carried into effect. The hon. alderman had charged the landed gentleman with being reckless of all interests but their own; and he had intimated, that they were ready, for their own relief, to apply a sponge to the national debt: in short, that they cared about nobody but themselves. He had heard declarations made in that House, which would leave no doubt of the utter groundlessness of that imputation. When hints of that kind had been thrown out, landed gentlemen had got up and declared, that sooner than lower the interest of the public debt—not to talk of wiping it away altogether—they would strip the coats off their backs, and even stronger expressions had been uttered, which he would not repeat. On such occasions, none had expressed themselves more warmly than the landed gentlemen. If justice, however, was due to the public creditor, government owed an equal measure of justice to the landed interest of the country. When government contracted the currency, they did to the landed interest precisely the same thing as if they had broken faith with the national creditor, by at once lowering the rate of interest, and paying him a less sum than they had contracted to give him. A contrary effect had not been produced by augmenting the currency; because the process was gradual, and the injury was not felt, as it came on those who suffered it by degrees. Prices were thus almost imperceptibly raised; and the whole frame of society was settled on the basis of high prices. He differed entirely in opinion from those who were favourable to low prices. Taking all the circumstances of the country into consideration, he was convinced that high prices were necessary to its ease and prosperity, in its present condition. Nobody could really benefit by low prices. The labouring classes would receive only as much wages as was proportioned to the price of food. All parties would stand in the same relative position. The great object to be gained for the relief of the country was, that all its burthens should be reduced, in proportion to the increased value of the currency. The distresses of the country resulted from the existing contracts having been made during high prices, while the parties were called upon to fulfil them at the standard of low prices. An equitable adjustment of contracts was that which alone could fully relieve the country. He admitted that the difficulty of carrying such a measure into effect would be great; but it was nonsense to deny that it was desirable. He thought it unlikely that corn would ever rise to such a price as to give practical effect to the proposed Resolutions. It was true, it might do so through a famine; but that, instead of benefitting, would inflict injury on the agriculturist. He believed that no country ever had two such distressing measures imposed upon it at once as the Corn-law of 1815, and the Bullion act, each of them deeply affecting the vital interests of the country. The effect of them was, necessarily, to throw the country into dreadful disorder. If we had adhered to the existing system, palliating and mollifying the evils and inconvenience of it from time to time, we should have done much better; and the country, he firmly believed, instead of being in a state of distress; instead of seeing its industrious farmers dragged to prison for debts which the fault of the legislature, and not their own misconduct, had brought upon them, would have been in a state of unexampled prosperity.

Mr. *W. Duncombe* concurred in the principle of the resolutions, proposed by the right hon. Secretary.

Mr. Alderman *Atkins* also stated his approbation of the measures of government.

The Committee divided on the Amendment: Ayes 50; Noes 335; Majority against the Amendment 285.

List of the Minority.

Abercromby, hon. J.	Fergusson, sir R.
Batley, C. H.	Folkestone, lord
Beaumont, T. W.	Fortescue, hon. G.
Bernal, R.	Graham, sir J.
Birch, J.	Guest, J.
Bright, H.	Hobhouse, J. C.
Calvert, C.	Howick, lord
Cradock, col.	Hume, J.
Crompton, S.	Knight, R.
Davies, col.	Lombe, E.

Lumley, F.	Rancliffe, lord
Lushington, Dr.	Robarts, A. W.
Marshall, J.	Robinson, sir G.
Marshall, W.	Rumbold, C.
Maberly, J.	Sykes, D.
Maberly, col.	Taylor, M. A.
Milton, lord	Thompson, alderman
Monck, J. B.	Waithman alderman
Morpeth, lord	Warburton, H.
Nugent, lord	Wood, alderman
Ord, W.	Wood, J.
Philips, G.	Wilson, sir R.
Philips, G. R.	Wyvill, M.
Ponsonby, hon. J.	
Poulett, T. C.	TELLER.
Ramsden, J. C.	Whitmore, W. W.

The chairman reported progress, and asked leave to sit again.

HOUSE OF COMMONS.
Monday, March 12.

MUTINY BILL—CORPORAL PUNISHMENT.] On the order of the day for the third reading of this bill,

Mr. *Leycester* observed, that, after three nights' consultation with his pillow, he had hoped the noble Secretary at War would have come down with the announcement, that he had abandoned the barbarous clause in this bill, for the infliction of Corporal Punishment. That barbarous practice showed to what loathsome habits the human mind might bring itself—how even the natural feelings might be chained under the influence of custom. If this practice were now to be commenced, the man who should propose it would meet with universal reprobation: and why was that which was too bad to be begun, not too bad to be continued? This cruel code was justified, upon the principle of necessity; but where was the paramount, the over-ruling, necessity for the practice of flogging? It was proved not to be necessary, by the diminution of the practice in the British army, by its non-existence in the continental armies, and in our own volunteer corps, which were not made of the most pliable materials. But he would not trust professional men with the decision upon the moral expediency of professional rules. He would rather refer to the tribunal of common sense, by which tribunal, he was sure the practice would be pronounced a curse to him who suffered, a torment to him who inflicted, unworthy of our gallant army, and a stain upon the character of Great Britain. At all events, a tribunal ought to give the benefit of its doubt on the side of mercy. It was, he thought, miserable to continue thus going on upon speculation and guess-work, when the country might resort to the infallible test of experience. Under these considerations, and because he was fully convinced that the abolition of this ancient abuse would render soldiers more attached to the service, he would move, that a clause be brought up to rescind the provisions, for the infliction of Corporal Punishment in the British Army.

Mr. *J. Smith* said, that he should make a few observations in consequence of facts which had come to his knowledge, and which added to the distrust he had always entertained of the efficacy of corporal punishment. Indeed, he much doubted, whether punishment inflicted on the body ever caused the reform of persons addicted to crime; and his opinion had been confirmed, by the circumstances which he should state. In the month of September last, he happened to be detained three weeks in a garrison town in France; and, during that period, he had an opportunity of examining minutely and accurately, the way in which five thousand five hundred French soldiers were kept in order, and he would assert, that their discipline and conduct were in no respect inferior, and in some things, probably, superior, to our own. No French soldier ever was subjected to a blow: it was considered a dishonour, to both the party who gave, and him who suffered, such an indignity; and, without noticing what some persons thought of the necessity of recourse being had to such a mode of punishment, he was of opinion, that there was no sentiment which it was more desirable to impress upon a soldier, than the principle that a blow was a disgrace. The punishments inflicted in the French army were confinement, hard labour, and privation; and it was unquestionable, that punishments like those could not have the effect of making a man a worse soldier than before, while the infliction of corporal punishment was almost certain to do so. In support of that fact, the hon. member stated a conversation which he had had with a respectable and intelligent individual, the governor of a prison, respecting the result of those corporal punishments inflicted every five or six weeks after the sessions; and it appeared, that the greater part of those who suffered those punishments, came again into his custody within



a twelve-month. Several gallant officers who had spoken upon this subject said, that the discipline of the English army would be destroyed, if corporal punishment was not preserved, and seemed to treat the objections made to it with some degree of scorn. They could not, however, justly do so, until they had ascertained whether there were not other punishments which would be sufficient. He did not know whether the British army afforded such conveniences for solitary confinement as existed in the French service. He had the opinion of a gallant officer who had served in the four quarters of the globe, that these corporal punishments were highly objectionable. Neither was that officer's opinion unsupported by experience; for he had commanded two troops of dragoons, for the space of two years, without ever having had recourse to flogging. It happened that, during the period of that officer's command, there was one individual whom he feared he should be obliged to send to head-quarters; but, on the day fixed for that purpose, a petition was presented from the men, stating, that the detachment had been for two years without any corporal punishment, and that they felt acutely that any one belonging to it should so suffer; they implored that the offender might be pardoned, and hoped that they, themselves, would be able to keep him in order. The officer complied, and the man sinned no more. It might, perhaps, be imagined, that these troops were, in consequence of this treatment, badly disciplined and instructed; but, on the contrary, upon inspection they were declared to be the best in the regiment. He would not have alluded to this, only to show how an officer had succeeded in instilling into his men that best of feelings, the wish to avoid disgrace.

Lord *Nugent* agreed with his hon. friend in the view he had taken of the system of flogging, and was sure that, if a proposition for its adoption were now before the House for the first time, it would not be agreed to. The only difference at present between the advocates and the opponents of the system was, whether a course equally beneficial could be substituted for that now in operation. He had heard of a correspondence which had passed about eleven or twelve years ago, between the lieutenant-governor of Gibraltar and the deputy inspector of hospitals there, and the consequence was, that from that period flogging had been disused in that garrison.

Mr. *Hobhouse* said, he had the other night expressed a wish to see a clause in the bill, making it necessary that the persons composing a court-martial should be unanimous previous to its passing any sentence. The noble Secretary at War had objected, that any factious subaltern might then, in order to acquire popularity, prevent any corporal punishment from being inflicted in the regiment. He did not know how it could be reconciled, that one out of five on a court-martial, should not prevent a sentence, seeing that twelve men were required to be unanimous in our courts, before the slightest punishment could be inflicted. The improvement he proposed was only a palliative; and, perhaps, it would not be wise to attempt a reform in what was radically bad. He had attentively listened to what had fallen from the gallant officers in the army on this subject; but, the only reason they gave for defending it, that he could discover, was, that it ought to be continued because it had existed. But this, he thought, was bad reasoning, and not such as should induce the House to continue such a degradation on our brave defenders. He had heard an officer say, that in this regiment some of the men were brought out so frequently to be flogged, that they were known by the name of the flogging-blocks; and this circumstance demonstrated that, so far from flogging making them better soldiers or men, no good could be derived from it; and as no benefit resulted from the revolting custom, it ought to be abolished as being a national disgrace, and as placing our army in its discipline and honour second to that of France. He was glad to find the question brought before the House whenever an occasion presented itself; but he would rather that some regular motion had been made respecting it; and he hoped that no session would be suffered to pass away, without some effort being made to relieve the soldier from this abominable punishment.

Sir *John Sebright* said, he was ready to take his share of the unpopularity which might be attached to supporting the practice complained of. He had been in the army in the early part of his life, and from his knowledge of the military service, it was his opinion that the system ought to be upheld. He was fully impressed with the belief, that the excellent discipline that now prevailed in the army was in a great measure to be attributed to the

coercion which had been adopted; as, by removing that want of discipline which had previously existed, it had produced a happiness to the soldier to which he was before a stranger. It would be asked how this could happen? The answer was—because every man in the army understood discipline better, and was less liable to disobey orders. On the subject of courts-martial, he must beg to make a few observations, as he too had had some experience in these matters. They could, he might say with justice, be termed paternal or domestic tribunals; for in all cases the commanding officer had the power of dispensing mercy in his hands, and was ever ready to exercise it, when there was occasion for his interference. The whole system was, in his opinion, excellent; and though he might incur public odium by so doing, he should always feel it a duty to give it his sanction and support.

Sir *A. Hope* wished much, that a regular motion had been brought forward for the discussion of this question, as these desultory conversations unsettled men's minds, and prevented them from coming to a proper conclusion. It had been well remarked by the hon. baronet who spoke last, that in the system which was now acted upon, corporal punishment contributed to the happiness of the soldiers. If it were to be considered as a question of feeling, it certainly was one more particularly so to officers of the army, than to visionary philanthropists, who had no opportunity of judging of the necessity which might exist for it. He would say, that if, in the paternal government of the army, and what was properly called, the family trial of a court-martial, where he who passed the sentence did so upon oath, and where the commanding officer, who had the power of mercy to alter that sentence, found himself obliged to inflict this punishment, no one could imagine, that such a punishment would be wantonly inflicted.

Colonel *Trench* said, that one point in the present discussion appeared to have been untouched by the hon. members who had addressed the House. They seemed totally to have lost sight of the fact, that much flogging existed independent of what took place in the army; and yet a thought of complaining against it to the legislature never entered the head of any man. What distinction, he would ask, existed between flogging a boy of sixteen at school, and flogging a soldier of sixteen in the army? Where was the difference between inflicting corporal punishment upon the back of a soldier, who had been convicted of a flagrant offence, and whipping on some other part of the body of a school-boy, who had been accused of some petty delinquency? He thought that the agitation of this question was productive of infinite mischief. It had the worst effects upon the minds of the soldiers; and he sincerely hoped that the House would now, at once, deliberate upon it, and set the question at rest for ever.

Mr. *Wynn* inquired, what question was before the House.

The *Speaker* replied, that it was the third reading of the Mutiny bill.

Mr. *Wynn* observed, that it would then be more regular to let the question before the House be disposed of, and then such a clause as hon. members seemed to wish might be brought under consideration.

The bill was then read a third time.

Mr. *Leycester* in proposing a clause to prevent corporal punishment in the army, said, that whether or not a discussion on the present shameful system produced agitation in the minds of the soldiers, he cared not. He should always raise his voice against flogging soldiers. The clause which he proposed was intended as an experiment; and if it was found on trial not to be beneficial, it would be easy hereafter to get rid of it. It had been observed by a right hon. gentleman on the other side of the House, on a former night, that "where there was a will there was a way." Now, he begged to use the same expression in reference to the abolishing of flogging; and he really conceived it high time that something should be done with a view of obtaining what appeared to him so highly desirable.

Mr. *Warburton* would ask, what the Turk said to produce submission? "Use the bastinado," was the reply. And what said the colonial cultivator? That the lash could not be dispensed with—as if the circumstance of a man being born with a dark instead of a white skin could prevent his cultivating the soil in the same manner as the European did. The hon. member for Hertfordshire had uttered language in reference to the subject of flaggellation, which he never expected to have heard from him. He never imagined

that his hon. friend would have advocated the cause of flogging in the government of men; seeing that he was strenuous in discountenancing the flogging of horses and dogs. He would say, "not only do not flog dogs and horses, but flog not at all: appeal not to the backs of men, but to their reason."

Mr. *Hume* said, it was in vain to expect that military men would put an end to flagellation. Would the slave-trade have ever been abolished if the interests of those engaged in it had been listened to? It was hopeless to anticipate that any great reform in the laws would proceed from lawyers; so likewise was it hopeless to expect that officers would abolish corporal punishment. He was anxious to have the trial made by way of experiment, whether or not corporal punishment could not be entirely abolished.—With respect to England, it was an experiment; but in America, and in the greater part of Europe, it was no experiment, seeing that flogging the soldier had been done away some years. It was said that the discipline of the army required that odious punishment. The king of Wirtemberg had abolished corporal punishment in his army, and substituted in its stead solitary confinement. Flogging in the navy, he was sorry to observe, was quite as much encouraged as in the army. Having alluded to America, as an instance of a country that had abolished that digraceful mode of punishment, he would, with the permission of the House, refer to an act of Congress, passed in 1812, in which the laws that permitted flogging were repealed. The hon. member then read an extract from the Act to that effect. The noble Secretary at War had himself admitted, a few nights back, that corporal punishment in the British army would have been dispensed with if possible. The late duke of York, who carried the army to the extent of improvement which it now held, was no friend to corporal punishment; for in regiments where flogging was carried to a vast extent, he stopped promotion. The power of flogging ought to be taken from individuals by that House. There were regiments in which, from one year to another, a corporal punishment did not take place; and he would take leave to ask, if insubordination prevailed in consequence? But it was urged, that circumstances might arise in which, unless the power of flogging was permitted, great inconvenience would be sustained. In the vicinity of an enemy, or in a foreign country, this power, it was insisted, could never be dispensed with. It was said, that it was a species of coercion which, if set aside, would cause great risk to the discipline of the army. Now, his object was, to have the experiment tried on the troops serving at home. During the last discussion upon this bill, it was urged, that there was a necessity for corporal punishment, if it was intended to keep the army in a state of discipline. Necessity was always the tyrant's plea. Sure he was, that the character of the common soldier would be raised if flogging were abolished. It was remarked that there was no degradation in the punishment, and that instances of promotion had occurred in soldiers who had suffered under the lash. This might be the case in a few solitary instances, but he was persuaded that out of every hundred men who had that shameful and degrading punishment inflicted upon them, not more than one in that number was promoted. He (Mr. Hume) was desirous that discipline should be maintained in the army, but in enforcing that, the most humane course ought to be had recourse to. He should give his support to the clause.

Mr. *Leycester* then brought up the clause to this effect:—"That it shall not be lawful, after the passing of this Act, to enforce Corporal Punishment on any Soldier, by the sentence of any Court-martial, within the United Kingdom."

Colonel *Davies* said, that from his knowledge of military affairs, he should certainly oppose the adoption of the clause just submitted for the consideration of the House; being convinced that for the preservation of the discipline of the army, it was essential to have recourse to corporal punishment. If soldiers knew that it was abolished, much evil would follow. Much had been said about the government of foreign armies; and it was insisted that they were not subject to corporal punishment. If they had not flogging, soldiers who, in our army, were subject to that mode of punishment, were, in other countries subject to death for the same offence. In such a case, if a soldier had his choice, would he not prefer receiving the lash to being deprived of life? In conclusion, the gallant officer said, that he perfectly concurred in what had fallen from his hon. friend the member for Hertfordshire.

Sir *Robert Wilson* was surprised that it should have been said by any hon. member, that the happiness of the soldier was connected with the maintenance of the present system, as far as it regarded corporal punishment. He could not conceive it possible that any British soldier could have a mind so constituted—his feelings so much at variance with the opinions of nearly all mankind—as to approve of that degrading system of punishment. Every soldier on the continent hailed with delight the abolition of that wretched system, by which man was degraded to the level of the brute—as an act of justice rendered the army by the respective sovereigns. Neither could he coincide with what had been remarked respecting the punishment which boys underwent at schools, as compared with that of flogging soldiers. The two cases were not similar. Nevertheless, he suspected, that when the boy assumed the gown, he would object to such a punishment being inflicted. The gallant officer had observed, that under the present system, as the army was constituted, it was necessary to have recourse to corporal punishment; soldiers being too frequently reckless of character. But wherefore was this so? The fault was in the system. It prevented men of character from entering the army as private soldiers. That very morning he had seen a publication which was written by a common soldier—but, by the way, although the work was written by one in that humble station, it evinced no common mind. The writer spoke of the necessity of officers correcting and preventing the irregularities of the soldiers, not by modes of terror, but by assiduous attention to them—by pointing out the evils which would result from a vicious course. "If this plan were followed," observed the writer, "then the necessity of corporal punishment would be prevented." An instance never occurred within his experience, in which a soldier who had suffered that degrading punishment became a better man; but, on the contrary, the man thus treated was always worse for the punishment, and in many instances became a thorough reprobate. When he had the command of a Lusitanian corps—a description of men, that at one time did not possess any very extraordinary character for discipline — in this corps, however, during the time he had the honour of commanding it, not a single instance of corporal punishment was put into execution. They behaved in such a manner too, when under his command in the field, as not only brought honour upon themselves, but credit upon himself. Those troops were never once guilty of an act of violence, nor was there any desertion among them. He had read that day, in a Jamaica newspaper, a report of the speeches in an assembly in that island, in which some of the speakers thought proper, in defence of that abominable practice of using the lash to the negroes, to refer to the practice of flogging in the British army. Mr. Barrett, whose name had been mentioned in that House and elsewhere with great respect, and very deservedly so, rebuked those petty tyrants—those women-floggers—for defending the system. Would the House of Commons give countenance, by permitting corporal punishment still to exist in the British army, to those advocates for flogging slaves in Jamaica! In Russia, the system of punishment for the misbehaving soldier was of a very different kind. There a stigma was cast upon his honour.—He was not permitted to take part in the storming of a fortress or in the post of danger and honour, if he had been guilty of any act which was opposed to military discipline. This was a punishment which was considered exceedingly degrading. Why not appeal to the honour of the English soldier, in cases where he had misconducted himself, rather than to the degrading punishment of flagellation? Although he concurred in the principles of the clause now under discussion, he was anxious that it should not be pressed, inasmuch as the present Commander-in-chief had so recently obtained his appointment, and had not had time to inquire into the system. The duke of Wellington would, before another session, have had an opportunity of examining whether it was or was not for the benefit of the army, that corporal punishment should be preserved. He thought the honourable members who had urged the necessity of abandoning the system, ought to be satisfied at present with having expressed their opinions, in order that the new Commander-in-chief might be afforded the opportunity of taking the subject into his consideration.

The *Judge Advocate* (sir John Beckett), in defending the principles of the bill, contended that, even according to the observations which had fallen from hon. mem-

bers who were opposed to it, an admission was made that the discipline and subordination of the army, under the direction of his late royal highness, the duke of York, flowed from the present system, which, he would take leave to say, involved constitutional principles; and he would add, that corporal punishment in the army was according to the common-law of the country. The Crown had, for a series of years, had the regulation of the army under its control, and had been subject to the responsibility of maintaining the military forces in a state of proper discipline. What was to become of that responsibility, or how could that discipline be preserved, if the check which constituted the principal and most effectual instrument of its maintenance were removed? The right hon. gentleman here read an extract from the Act of the 13th and 14th of Charles 2nd, expressly vesting the privilege of governing the army in the hands of the Crown; and contended, that that power had remained undisturbed down to the present day.

Dr. *Lushington* rose to deny that the doctrines promulgated by the right hon. gentleman were in conformity with the principles of the constitution, or had ever been recognized by the laws and usages by which the army was governed; and he was perfectly astonished to find a right hon. gentleman, holding a high confidential and responsible office under the Crown, stand up in that House, not to uphold this practice by alleging in its justification the dictates of that imperious and absolute necessity, with a view to the maintenance of discipline in the army, which could alone palliate the continuance of this abominable punishment, but daring to argue in its defence, that our ancestors had handed to us an army, under the power and dominion of the Crown—upon which the Crown had the power to inflict punishment, according to its pleasure, its will, or its discretion; and to inflict that punishment not only by corporal punishment, but, if the doctrines of the right hon. gentleman were correct, by degradation, and even by death itself.

The *Judge Advocate* disclaimed having made any assertion which could be thus construed. But he repeated, that the power of the Crown to impose corporal punishment for insubordination, or any neglect of duty or discipline, had been conferred, by a clause introduced in the Mutiny bill with that express view, and had been repeatedly confirmed and recognised by various distinct acts of parliament; and that this power, so exercised, had become, by established usage, what might be denominated the common law of the army.

Dr. *Lushington* asked, what the right hon. gentleman meant by the common-law, or by established usage, if it was not what had been handed down to us by our ancestors, from time immemorial? How did he mean to support the argument that the Crown had the power to dispose of the army as it pleased, by the common-law of the land? Did the right hon. gentleman mean to rely upon the act of Charles 2nd? If he did, his answer was, that there was no common-law, and no established usage, of the nature contended for by the right hon. gentleman, but that a special enactment had been made upon the subject, very different from the purport alleged by the right hon. gentleman; which enactment, however, had long since been abrogated, and was no longer in force. He denied that any such common-law, as stated by the right hon. gentleman, existed in the army, and God forbid that it ever should! The law was, that the army should be governed by the same principles of legislation, as those to which persons in civil capacities were subject. Now, if any attempt were made to innovate upon—in any way to alter or modify—the laws subsisting for the government of persons in civil capacities, it was necessary to produce an authority by act of parliament. He would remind the right hon. gentleman of what was said by lord chief justice Mansfield, at the time of the riots, when it was proposed to make use of a military force in a way which was inconsistent with the law. The lord chief justice asked for the authority for such a proceeding. It was stated, that the commander-in-chief had given orders for the military to advance. His reply was, "Then, if they do, I will try the men for murder; I will not suffer any person, in whatever station or authority, to control the laws, framed for the government of the military as well as others, and I will not suffer them to be altered, except by a special legislative enactment." All that appertained to the government of the army rested upon the Mutiny act solely; and any punishment not sanctioned by that act, was a direct violation of the law, for which the author

of it was responsible—Nay, he would go further, and say that that responsibility had been enforced, and acted upon within the last thirty years. Let the right hon. gentleman recollect himself. He must be very well aware that if any mistake was made by a court-martial—if individuals were subjected to punishment in a manner not authorised by law—the Court of King's-bench would give, and had given, redress. He must declare that never since he obtained a seat in that House, had he heard the constitution attacked in the manner attempted by the right hon. gentleman. He never could have thought, that a person, so officially situated as was the right hon. gentleman, could be capable of standing up and maintaining doctrines as unconstitutional as they were unfounded; and which, were they even well founded, would be contrary to the dictates not only of justice, but of common humanity. The right hon. gentleman had said, "Is this a proper period to introduce any proposal for the abrogation of corporal punishment, so immediately after the death of the duke of York, whose supervision and management of the army were applauded by all?" Good God! what had the death of the duke of York to do with the matter? The question was, whether so inhuman a practice should be continued, or could be upheld on any principles, either of justice or of propriety? and it was perfectly immaterial, in reference to that question, whether the duke of York or the duke of Wellington was Commander-in-chief. The subject was one, in fact, which could not be postponed. It was one which required to be agitated, until we should arrive at that *minimum* of human suffering which would be compatible with the preservation of discipline and subordination in the army. Had that *minimum* been attained? He said, No. Had we brought the regulation of the army to a state of perfection? He denied that this was the case. The right hon. gentleman, he was satisfied, would agree with him when he stated, that ten years ago corporal punishment prevailed in the army to a greater extent than at present; and at that period there were the same objections made to its mitigation. Honourable and right hon. gentlemen, and gallant generals, were heard loudly to exclaim, that this species of punishment could not be departed from, or diminished, without peril to the due control and management of the army. But, notwithstanding these arguments, the good sense of the country had diminished such inflictions; and if the question was still further discussed, the same spirit would lead to their further mitigation. He hoped, therefore, that the mouths of his hon. friends would not be closed, but that they would persevere in their praiseworthy efforts. He would tell the right hon. gentleman what he had heard from a practical man, as an example of the frightful extent to which this debating system prevailed. A gallant general had told him, that during his command in Canada, he had been compelled, in the execution of that revolting part of his duty, to witness the infliction of five hundred lashes per day; and he would mention it as a fact reflecting high honour upon the memory of his late royal highness, that when that gallant general resigned his station, unable longer to support the sight of so much human misery, the Commander-in-chief assured him, that he should not suffer in consequence of it. He contended, that the army had not arrived at any thing like a state of perfect discipline. [An hon. member here raised a cry of "Question."] He should not be surprised to find that the hon. gentleman who began the cry of "question" was some young officer, smarting from the reflection called up by these remarks, of his having inflicted punishment unjustly. If this was the case, he did not envy the young gentleman his feelings; but as he would not be awed into silence, the hon. member had perhaps, better hold his peace. The hon. and learned gentleman concluded with repeating his dissent from the doctrines of the right hon. gentleman.

Lord *Palmerston* said, that the hon. and learned gentleman had, in his opinion, wasted a vast deal of very respectable and constitutional indignation, which he might better have reserved for some occasion, on which it would be more necessary or useful; for greater misrepresentation he had never heard, than the hon. and learned gentleman had made of the speech and statements of his right hon. friend. The hon. and learned gentleman had, no doubt, misunderstood his right hon. friend; but he would submit to the House, whether the arguments of his right hon. friend bore such a construction, or merited such animadversions, as those applied to them by the hon. and learned gentleman. Any person coming into that House would, from the statements of the hon. and learn-

ed gentleman, have supposed his right hon. friend to have represented, that by the common-law of the country, the king enjoyed the power of inflicting corporal punishment. His right hon. friend had said no such thing. The position of his right hon. friend—which, he contended, was perfectly consistent with the law and the constitution—was, that the government of the army was not only by immemorial usage, but by the distinct recognition of acts of parliament, in the hands of the Crown. Now, if we looked to the modes of punishment constantly resorted to, for the preservation of discipline in the army we should find that corporal infliction, in some shape or other, formed invariably a portion of them; and when we considered the means by which military subordination was to be maintained, it must be evident, acting upon the results of practical experience, that this description of punishment was indispensable to the promotion of that most necessary object. But he denied that his right hon. friend had used any argument which could with justice, be characterized as at variance with the principles of the constitution, or that would justify the imputation of such ignorance on his part, as to confound the common-law of the land with the regulations for the maintenance of military discipline. The simple question was this—"Is corporal punishment necessary for the preservation of discipline in the army, or is it not?" The hon. and gallant member for Southwark had put this question upon its proper footing. He had correctly and fairly asked, whether it was possible to put the army abroad upon one footing and the troops at home upon another. This was the true way to view the present proposition; and it would be acknowledged, that such a proceeding would be a subversion of all justice and wisdom in the application of laws. That such a mode of repressing insubordination was necessary, experience fully proved. The existence of the power to inflict corporal punishment operated as the most effectual preventive of its actual infliction. But, the line of argument pursued by the hon. gentleman opposite was not fair or tenable. Were corporal punishments frequent? The hon. gentleman demanded their abolition on that ground. If they were unfrequent the hon. gentleman contended that that very circumstance constituted a proof of their inexpediency; and therefore desired that they should be repealed. Those hon. gentlemen who were so hard to be pleased could not complain of him and his right hon. friends, if they did not affect to meet arguments employed to find fault with every line of proceeding that could be adopted. It had been affirmed, that, in the French army no blows were ever inflicted. He apprehended that this statement was erroneous. His impression was, that blows were inflicted, and that the French soldier—although, perhaps, not punished with the cat-o'-nine-tails—was subject to the infliction of punishment with the flat side of the sword, at the caprice or will of his commanding officer. It would be ridiculous to attempt to draw a distinction between punishment inflicted with a piece of iron, or a piece of leather. If there was any degradation in corporal punishment, or if such suffering tended to demoralise the man, or to break down his spirit, it must be perfectly immaterial whether it was administered by a sword or a cat-o'-nine-tails; and it would be absurd to draw a constrast between the two instruments of punishment. It might be true, as was urged, that corporal punishment did not, in some instances, tend to reform or improve the individual; but still it was indispensable, as a means of preventing the commission of acts, to which men would be tempted if free from its restraint. But, the question of military discipline was not one in which the army was alone interested. Its effects extended to the well-being of all classes of the population. If the hon. gentlemen on the other side had any reason to complain of violence or injury committed by any portion of the army, he was sure they would be very much disappointed if their prayer for redress was met with the answer, that government could not interfere—that they must have recourse to the tardy and tedious process of law. A good deal of indignation had been expressed in the course of the debate; but he should like to hear the expressions of indignation which would be vented against the government in such a case. He would ask those who objected to this mode of punishment, what form of coercion could be substituted for it? Would they have soldiers sent to prison? In that case they must be placed in the common gaols, amongst the most abandoned cha-

racters; or military prisons must be built for their reception. He should be curious to hear what the hon. member for Aberdeen would say, if his majesty's ministers were to propose a grant of some hundred thousand pounds for the erection of prisons for the exclusive accommodation of the army. For himself, he felt as much as any one could do, all the objections to this mode of punishment; but he would still adhere to it, as a choice of evils. The only way to avoid its operating injuriously was, that all officers should be instructed to use their utmost endeavours for the prevention of those acts which, if committed, would render the infliction of the punishment necessary. But he was satisfied that, if ever so ill-judged a proceeding were resorted to as the removal of this regulation, it would be found necessary, in a few months, to re-impose it. The hon. gentlemen on the other side called upon the House to follow the dictates of experience. Now, it was his right hon. friends and himself who were, in effect, acting up to that principle; while the hon. gentlemen opposite were only attempting to substitute for experience their own crude and visionary theories. Ought not the opinions of practical men to be received, and their suggestions attended to? It would be as reasonable, when any measure of West-Indian policy was brought forward, to discuss it in the absence of hon. gentlemen connected with those interests; the affairs of India should be kept a secret from all who had a knowledge of that portion of our possessions. When the Corn-laws were discussed, for Heaven's sake let no country gentleman—and, on any financial question, let no political economist—open his mouth. The noble lord concluded by saying that, if the infliction of corporal punishment were abolished, it must be followed by the abolition of the army itself, which, without it, would soon become the most dangerous establishment in the empire.

Mr. *Sykes* said, that the power claimed for the Crown was not conferred either by the statute or common-law; and he read a portion of the preamble of the Mutiny act in support of his argument. With respect to the question now before the House, he entertained but one opinion; namely, that it was a barbarous remedy, equally unfavourable to the liberty as well as to the discipline of the army. It had the effect of making the mind as well as the body callous. He would appeal to military gentlemen, whether a soldier who had been flogged was good for any thing afterwards. Experience proved, that it was a punishment which rendered the object of it insensible to the duties of the soldier. In a town in the neighbourhood in which he lived, a soldier, for some offence, received five hundred lashes. A few days afterwards, the regiment was ordered to march. The consequence was, that the wounds of this man festered, and he died. On the inquest, one witness deposed, that all the flesh came from the back bone. The verdict was, "Wilful murder": but, no proceedings were taken, or inquiries made, on the finding of this verdict. He believed that the instance he had mentioned was very frequent [No, no, from the ministerial benches]. If it was not let there be laid on the table of the House, a return of the number of cases in which corporal punishment had been inflicted. He could never believe that such punishment was necessary in the English army, when it was not found necessary in the armies of the continent. If it was necessary to restrain the improper passions of the men, and compel the due performance of military discipline, some other means ought to be adoped; for corporal punishment was cruel in the extreme. The system ought to be put down, and some other introduced in its stead. The sooner it was abolished the better.

Sir *H. Hardinge* rose amid cries of "question." He said, he would not dwell long on the subject now before the House. One hon. member had stated, that military officers were not to be considered authority upon this topic, any more than law officers were to be taken as authority on matters of law: he would, therefore, produce a document which emanated from persons, who at all events, deserved, and, doubtless, had, the confidence of the House, with reference to it. On the subject of corporal punishment he would read an extract of a report of the governors of the General Penitentiary, made on the 7th of bruary, 1827. The persons by whom that report was signed, was, he felt assured, the last to be suspected of inhumanity, or of a desire to inflict unnecessary punishment. The extract was as follows:—"That solitary confinement appeared to have very little effect, either upon the men or the boys, and certainly did contribute to injure the health; it was, therefore, the opinion

of the governors, that an error had been committed in abolishing corporal punishment, and the governors were satisfied, that a revival of this power would be highly advantageous, guided by necessary restrictions, and under particular circumstances;" signed "Bexley." Now, surely the individual whose name was affixed to this report, would be the last man to act with inhumanity, or to recommend a system which he considered either unnecessary or unwise. With regard to what the gallant member for Southwark had advanced on the subject of the Lusitanian Legion, which that hon. member had commanded, he would give his testimony to the admirable discipline which existed in that corps. But it should be remembered, that corporal punishment was not the system adopted in the Portuguese army. He himself had had the honour to command five battalions of Portuguese troops; and, as the system of flogging was not in force, recourse was had to punishment by the sword; the effect of which was, that of the wounds which they received, many died in the hospitals. The milder and more natural punishment was thus rejected; and a punishment, which produced no beneficial influence, but very frequently caused death, was adopted in its stead. Was this a system which Englishmen would ever tolerate? The hon. member for Midhurst had referred to the French army, and commented on the fact, that no corporal punishment was then permitted. Now, a friend of his had, not long since, seen a drum boy shot at Lisle, for striking a drum major. The question was not as to what was the effect of the system of corporal punishment in a time of peace, but in a time of war; and he would refer the House to the conduct of the French army during the Peninsular war; and would quote from the work of colonel Jones, who gave the words of a French lieutenant-colonel, who had said, that it was a common practice in the French army to exchange and to play at cards for women. One instance he related of a commissary who offered two ounces of gold for a Portuguese girl. This was while the army of the duke of Wellington was in a high state of discipline. He would refer to the army of Soult, when crossing the Pyrenees, pursued by the British army. The conduct of the latter was then so excellent, as to have been generally contrasted by the inhabitants with that of the former. He would also allude to the Prussian army after the battle of Waterloo. In that army no flogging was allowed, although the torture of the cane was. When the British army marched through the various villages, the inhabitants remained quietly in their cottages, firmly confiding in their good conduct; but when, through those same villages the Prussians marched, they found them all deserted, and, until they had departed, the people could not be prevailed upon to return. The state of the army of occupation might also be cited; the army of which the archbishop of Cambray, who naturally disliked it, because it had taken, as it were, possession of his country, had reported, that while the British army was there, their conduct had been such as to remove all his prejudices, and to give rise to the most grateful sense of their kindness and generosity. So much for the discipline and conduct of the British army, as compared with that of other troops. If the House substituted any other punishment for that of flogging, it would inevitably be more severe than it was at present. He had taken the trouble to ascertain the number of courts-martial held during the Peninsular war, and he found, that altogether they did not exceed five hundred, all of them being, of course, for serious offences, as trivial matters would, under such circumstances, be passed over, and of these not more than fifteen or sixteen men had been shot. Now, if the punishment of flogging had not existed, acting according to the system pursued in the French army, more than half the men so tried would have been put to death. Would this be according to the feelings or the wishes of Englishmen?—Surely not. He was satisfied that such a power was absolutely necessary. That it ought to be exercised to as limited an extent as possible, was a truth which no British officer would deny. In the regiment of guards to which he had the honour to belong in the year 1823, there were but three men flogged out of eight hundred soldiers, of which the first battalion was composed. In the second battalion, there were, he believed, five; and in the third, eight; making but sixteen out of two thousand four hundred men. He assured the hon. members who had commented with such severity upon this subject, that there was a feeling in the bosoms of British officers, as strong as in that of any individual

in the country, to prevent the unnecessary use of corporal punishment. When it was resorted to, it was only done from an earnest desire to discharge a duty which they owed equally to the country, whose servants they were, and to the soldiers they commanded.

Sir *A. Hope* said, that every soldier in the army of every country in the world, with the solitary exception of that of Great Britain, was subjected to arbitrary punishment. But the British soldier, ever since the passing of the Bill of Rights, could only be punished after undergoing a trial by his peers: his safety and his security were, therefore, guarded by the law. Now, it was impossible that any free-man could be in a better state. Before the passing of this bill, if the hon. members would refer to the articles of war, they would find that there were forty-three cases for which punishment of death were awarded, one of torture, and one of mutilation. The two latter, and nearly the whole of the former, had been done away, by substituting a system of flogging in their stead. There were two reasons why this system should not be abolished; first, that of mercy to the soldier; and second, to subdue the unruly passions of men, with a view to preserve the peace of the country, and the good order of society. It was the duty of those hon. members who wished this system to be done away with, to propose in its place one that would produce those necessary ends.

Sir *H. Vivian* declared, that the British officers were most anxious to do away with the system of flogging, if any system, which could answer an equally good purpose, could be substituted in its stead. He assured the House, that the speeches of some hon. members had had the effect of causing that punishment which they sought to abolish; for his own part, he could state, that when he commanded a thousand men, he found, all of a sudden, that a great degree of murmuring had suddenly spread among them. He then sent for the oldest of his serjeants, who told him, that the men were induced to believe that sir Francis Burdett had done away with corporal punishment; and he was actually obliged to make an example of one man, to restore order in his regiment. It was only the power that British officers wanted; they were not disposed to use that power, until every other means had failed. Let any hon. member show by what other means he could preserve military discipline, and he would at once give his sanction for removing this evil, which he now felt to be a necessary one.

The clause was negatived, and the bill passed.

Corn Laws.] The order of the day was read, for the House again resolving itself into a Committee to consider further of the Corn Trade Acts, On the question, that the Speaker do leave the chair,

Mr. *Denison* hoped the House would indulge him, while he offered a few observations on the question about to be considered in the committee. It had rarely fallen to his lot to agree with ministers in their measures; but he felt great pleasure in stating his concurrence in the resolutions submitted by them to the House, respecting the Corn-laws, and, particularly, as, in so doing, he knew he acted in conformity with the wishes of his constituents. As far as respected wheat, 60*s*. was, in his opinion, a fair average between the desires of ultra-consumers on the one hand, and ultra-growers on the other. He approved also of the method proposed for taking the averages; because, besides being an improvement, it tended to insure a fixed price. Some hon. gentlemen had wished to reduce the average below 60*s*.; but it was impossible for the farmers to pay such extravagant taxes as were imposed on them, unless they received that protection. He did not approve, however, of the anomaly respecting the measures; for nothing could be more absurd than to compel the use of the Winchester measure in taking the averages, and the Imperial measure in buying and selling. He hoped that, in the committee, that matter would be set to rights. With respect to the suggestion of the hon. baronet, the member for Westminster, on Friday last, respecting the currency, although he concurred with him in thinking that some of the present distress had its origin in the change that had taken place, he hoped the country would not again be inundated with paper. He had expressed himself friendly to the resolutions, as far as they applied to wheat; but he hoped, that, with respect to spring corn, some alterations would be made in the committee.

Mr. *Curteis* concurred with the hon. member in his objections to the use of different measures, in selling and taking the averages. He regretted the effects

of the change in the currency. The Scotch had succeeded in retaining their one-pound notes; and Ireland would have her's back again. Now, as this was a united empire, he saw no reason why all parts of it should not be placed on the same footing. Notwithstanding the objection of the hon. member for Surrey to a small-note currency, he thought that, if private bankers were compelled to give security, the re-issue of small notes would prove advantageous to the country.

Mr. *J. Wood* said, that the resolutions on the table of the House had produced, not only disappointment, but the greatest terror, alarm, and dismay, among the manufacturing interests, who had been led to expect, that on the meeting of parliament some measure would be devised, with reference to corn, which would be advantageous to them; and now they saw their hopes blasted by the measure that had been brought forward. He condemned not only the average price proposed, as being too high, but the alteration in the mode of taking the averages, the effect of which would be to turn the Corn Exchange into a stock exchange, or gambling house. It was reported out of doors, that ministers intended to give way on the subject of oats and barley, and suffer themselves to be bullied by the landed interests. In so doing, they would prove themselves unworthy of the warm support they had received in that House.

Mr. *Cripps* was quite convinced that the price of corn fixed by the resolutions could not be injurious to the manufacturing interests. He was, on the other hand, equally convinced, that the great landowners must give way a little, and reduce their rents. It was said, that the poor lands would all be thrown out of cultivation, if the resolutions were carried. How could it be otherwise. He had lately crossed the Cotswold hills, the soil of which was very poor; and he was sure that an extent of seventy or eighty miles would, in that direction, be thrown out of cultivation, from the inability of the farmers to pay the present rents, and compete with the altered state of the market. It was easy for gentlemen to say that those lands ought never to have been cultivated; but did hon. gentlemen recollect the reason why they were thrown into cultivation? namely, the demand created by the shutting of foreign ports against us. The hon. member illustrated the absurdity of the use of measures, differing in size, by a case in which a knavish person bought a quantity of grain by the Winchester measure, and refused to pay for it. The seller applied to his solicitor to compel payment, who asked him, "By what measure did you sell your corn?"—"By the Winchester measure, to be sure."—"Then," said the attorney, "there is no use in your going to law, and throwing good money after bad; the Winchester measure is illegal, and you cannot recover." He had no objection to the Imperial measure, but the use of two could only produce confusion.

The House then resolved itself into the Committee. On the resolution, "That, in respect of every integral shilling by which such price shall be above sixty shillings, such duty shall be decreased by two shillings, until such price shall be seventy shillings; whenever such price shall be at or above seventy shillings, the duty shall be for every quarter one shilling,"

Mr. *Charles Grant* said, that for a number of years, barley was averaged at one half of the price of wheat, and oats at one third. That was their calculated relative value, until the year 1822, when the committee then appointed, suggested an increase in the relative value, but not to any great extent. Since the resolutions now before the committee had been introduced, many remarks, made in that House and out of doors, suggested the necessity of inquiring into the most satisfactory mode of fixing the relative value of wheat, barley, and oats; and it was found, that to take the averages of a number of years, would be the best. The average prices of these grains had therefore been taken since the year 1821.

Mr. *Calcraft* thought the agricultural interest ought to be protected to that extent which would insure production, and not let the people depend for food upon foreign supplies. He was astonished to hear hon. members object to the ministers for having, in compliance with the wishes expressed in that House and out of doors, modified the original resolutions. The right hon. gentleman, the vice president of the Board of Trade had not come up to his standard; but, the measure submitted was, as far as it went, so fair and unobjectionable, that he should support it.

Mr. *Curwen* said, if called upon to state his sentiments upon oath, as to what he thought the proportions of duty and price

ought to be, he could not say that those proposed by the vice president of the Board of Trade were unfair, or that either the price or the duty ought to be higher. He had no doubt that ministers had acted impartially, with a view to the interests of all classes in the country.

Mr. *Wodehouse* said, it was his intention to move two resolutions. The first was, that a certain proportion of the duties to be hereafter levied on the several species of grain to be imported into this country, shall be paid on entry at the Board of Customs, such proportion to be determined with reference to the ports from which the grain is exported, and also with reference to the shipments. The second resolution had reference to oats, and oats alone. It was known, that vessels were capable of carrying a larger freight of oats than of any other grain. The vessel, indeed, might be loaded to the hatches with oats, very conveniently; while a similar freight of wheat would sink the ship. His second proposition, therefore, was, that as in vessels of equal size, a greater quantity of oats than of other grain might be conveyed, and as the cultivation of oats was a matter of the deepest interest, not only to Scotland and Ireland, but to several ports of England, it should be required of the Board of Customs to form some arrangement for limiting the importation of foreign oats, seeing that such an arrangement must have been observed in the importation of oats from Canada, and seeing that such an arrangement was acted upon in the introduction of five hundred thousand quarters, which the government was enabled to suffer to be imported last year.

Mr. *Ferguson* was happy to see that ministers had given way to the sentiments expressed upon this question, both in that House and out of doors; but he could not think, as one hon. member had said, that they had been "bullied" into it. He should be sorry to see the Treasury bench filled by any men, who would be bullied out of any measure, which they thought would be for the interest of the country; and he did not think that bench was now filled by men who would be likely so to act [hear, hear]. He approved of the measure submitted by the vice president of the Board of Trade; but he did not think that that measure went far enough, with respect to oats.

Mr. Secretary *Peel* took the liberty of suggesting, that it would be more satisfactory and convenient to enter upon a discussion of the general principle, upon one of the several opportunities, which would be hereafter afforded, in the course of the proceedings, and not to encumber the discussions in a committee upon the Resolutions, with a discussion of the general principle; but to discuss the duty upon each species of grain, separately, as each Resolution came before the committee. To give an instance of his own observance of that principle of forbearance which he had suggested to the committee, he should abstain, upon that occasion, from making any other observation upon the coarse, unjust, and unfounded imputation cast upon ministers, by the hon. member for Preston, who had stated, that ministers had been "bullied" by the landed interest, than to simply deny the truth of the assertion.

Mr. *Portman* supported the measure, and observed, that the landed interest, by conceding that 60*s.* should be the minimum price, had conceded as much as they could concede.

The resolution was agreed to. On the resolution, that, when the market price of barley should be at 32*s.*, or under 33*s.* the duty should be 12*s.* a quarter,

Mr. *Whitmore* declared it to be his opinion, that the law arising out of the alterations as to the duty on barley would create more suffering in the country than the law of 1822. He saw no grounds for changing the proportions between barley and wheat. He deprecated the passing of so severe a law. If it was passed it could not be long before the eyes of the people would be opened to all the evils of such a system.

Lord *Althorp* said, he could not agree in sentiment with the hon. member. Formerly, foreign corn could not be admitted until the price at home was 80*s.*; by these resolutions, it was to be admitted when the price was 60*s.*; which he thought would come to be at about 57*s.*; so that by the change the consumer would gain an advantage of 23*s.* As to the rates fixed for barley, so far from thinking them excessive, he believed that they were now below the mark; seeing that the expense of cultivating barley was two thirds of that of wheat.

Mr. Alderman *Wood* declared his intention of dividing the House on the original propositions relative to barley.

Ministers had not acted fairly in lowering the import duty on it without notice.

Sir *J. Newport* hoped the House would put their *veto* on all distinctions between the interests of the several classes of the community. Though England was a manufacturing country, Ireland was an agricultural one, and gave her agricultural produce in exchange for the manufacture of England. If England would not take the corn of Ireland, Ireland would be unable to take the manufactures of England.

Mr. *Hobhouse* expressed his trust, that the friends of ministers would stand true to them on this occasion, when they saw them compelled to alter their original resolutions, by a few ingenious hints, not coming from the people, but from persons more powerful than the people. He denied that any vulgar attacks had been made in that House against the landed interest; but the people had a right to complain, and would not be put down by clamour. All they wanted was fair play. The House ought to hear the voice of the people, and their representatives. This was not an occasion on which the right hon. gentlemen opposite should, to use an old phrase, "turn their backs on themselves." This was, however, the first time they had refused to hear the people. He was the last man in that House to throw firebrands among the people; but he hoped it would not be considered too much if he said, that when any question was propounded in which the people expressed a decided voice, the House was doing itself harm, by not listening to what their representatives had to say. Whether what they advanced was good or bad, he should say, "hear, at least, before you strike." The government had now changed its mind, without any reasons which did not exist before. All he could say to such vacillating conduct was, that it clearly showed that the government was not worth two-pence. It was not only known and seen in that House, but the country began to see it. He did not, perhaps, express what he thought upon the subject so well as he ought to do; but he was in constant communication with the people, and could vouch for their sentiments; and all those with whom he had conversed were of opinion, that it was impossible that so wretched and disjointed a government could go on. He would venture to say, that had it not been for the gentlemen who usually sat on his side of the House, when the government proposition was brought forward the other night, the ministers would not have been able to have carried it. Suppose there had been on his side of the House, that truckling, place-hunting appetite, which it had been the fashion to impute to them, and that one of them had risen and said to the gentlemen on the benches around him, "It is ministers who have hashed up this pretty affair: let them set down to it, we must not meddle with such a nasty mess." The measure was carried, only by a majority of sixty-one. If, therefore, such a speech as that had been made by any of the influential gentlemen on his side of the House, where, he would ask, would ministers have been left? Would it not have been shown, that the ministers were divided among themselves; that they were unfit to govern a great country; and that it ought not to be confided to them. When the minister for Foreign Affairs came down to that House, he solemnly called upon them to vote for certain propositions; and now they were as solemnly called upon, by the vice president of the Board of Trade, to vote differently, without a shadow of reason being adduced, beyond what the House was already in possession of. He should, therefore, sit down, with a determination to vote for the proposition of the Secretary for Foreign Affairs, in opposition to that of the Vice-president of the Board of Trade.

Mr. Secretary *Peel* said, he thought the hon. gentleman had been diverted, by his indignation against his majesty's government, from the real question before them; which was, whether the proposed rate at which barley was to be imported, did or did not, afford an unreasonable protection to the home-grower of barley? Had he been a stranger entering that House while the hon. gentleman was speaking, he should have imagined that his majesty's ministers had been guilty of a great dereliction of duty, and had abandoned the principles on which they had professed at starting to be governed; and he should have been much surprised to have been told, that the whole tirade arose from their proposing to grant a little more protection to barley than they had at first intended. Was it to be supposed, that the government could not submit a proposition to the House, without depriving themselves of every power to modify that proposition?

He should have thought, that the avowed principles of the hon. member would have induced him rather to applaud than blame the government. He should have thought that the advocate of free discussion and democratic principles would have admired the readiness with which ministers confessed themselves in the wrong, and the alacrity with which they took what they thought the right path. The hon. gentleman said, that this right path had not been chosen from any attention to the wishes of the people, but from the threats which had been held out by a party in that House, which was above the people. Another hon. member had gone further and had candidly told them, that ministers had been bullied into this change. It would be sufficient, he thought, to put it to the candour of the House, whether ministers had acted from these motives, or from a conviction, that, in framing the original resolutions, they had been proceeding upon mistaken views. He should, however, call the recollection of the House to what passed on the night when his right hon. friend submitted to them the principles on which government intended to proceed; which were, a free intercourse in grain, subject to controlling duties. On that very night several hon. members having approved of the rate at which wheat was to be taken, gave it as their opinion, that barley and oats were not sufficiently protected. The first reply his right hon. friend gave to this was, "This is matter of detail, concede me the principle, and afterwards we will arrange the details." There was, therefore, no ground for accusing the government of inconsistency. The question was merely—Was this or was it not a sufficient protection for the home barley-grower, and was the resolution of the 1st instant right or wrong? The government had thought that barley was not sufficiently protected by that resolution; and it, therefore, became its imperative duty, even at the expense of confessing itself wrong, to raise the protection on that grain to a due proportion with that on wheat. He should not dwell on the evils to which an undue protection of any particular grain would lead, as every gentleman must be sensible how much such a circumstance would hamper agricultural proceedings. His right hon. friend having learned from members of that House, that barley was not sufficiently protected by his resolutions, took the average of its price, and of that of oats, for six years, and found that he had not assumed the true proportions. He then did, what every honest man ought to do, confessed himself in error. He had taken the proportions which were thought, for forty years past, to be the correct ones; and, in so taking them, was only to be accused of taking for granted, what he ought rather to have inquired into. He found, according to the returns, that wheat was 56*s*., barley 31*s*., and oats 20*s*. 6*d*. Taking wheat, therefore, at 60*s*., no just charge could be brought against the government, if they took barley at the price now proposed. If, indeed, out of deference to a large minority, ministers had been induced to abandon the principle with which they started, and had recurred to prohibitions, they would have justly incurred the charge of inconsistency. But, surely, for a modification, not of the principle, but of the details, they ought not to be subject to the charge of having been bullied into the change; and he hoped they should still enjoy the esteem of the people, although the hon. gentleman had, in no very elegant terms, pronounced them to be a government not worth two-pence.

General *Gascoyne* complained of the awkward situation in which this vacillating conduct of ministers placed members, who had written down to their constituents, that the question was settled upon a certain basis, and had now to contradict their former report. He should vote for the original proposition.

Mr. *W. Ward* said, he should vote against this new proposition. When the original resolution was laid on the table he had voted for it, as he took it to be a peace-offering from ministers to the people; and he was averse from stirring up animosities between the two interests. But he would not, on any pretence, suffer an encroachment on the original proposal, as it would lead to consequences not foreseen. This increase upon barley would affect wheat and every other grain; as it would induce the farmer to cultivate a greater quantity of one grain than he otherwise would do.

Sir *T. Lethbridge* said, that with respect to what had been said concerning the price at which barley and oats were to be admitted, it was certainly understood, that that was a point reserved for discussion; and he would undertake to say, that although ministers had found themselves strong enough to carry the wheat proposi-

tion, yet, had they attempted to carry the original resolutions relative to barley and oats, they would have been defeated. It was in wisdom that they had made the alteration, and he thanked them for it. With respect to what had fallen from the hon. member for Westminster, he could only say, that he had made the most variegated speech he had ever heard. It seemed to have no precise object, except that of inflaming the minds of the people. If the voice of the people of England could be heard in that House, he was convinced it would be in approval of what ministers had done. For his own part, he thought that the protection on barley was still insufficient; but, nevertheless, he could not sit down without expressing his thanks to government, for the manner in which they had brought forward this question.

Mr. *Monck* said, he should certainly give his support to the original proposition of ministers. He denied that the change was owing to any suggestion from the people. It had been conceded to the threats held out to ministers in different parts of the country, by those who ought to be the natural protectors of the people, but who would make themselves their masters. He objected to this increase of duty, because it was upon an article already too highly taxed, and which formed the principal beverage of the poor.

The Committee divided: for the Amendment 215; for the original Proposition 38; majority in favour of the Amendment 177.

List of the Minority.

Baring, F.	Martin, John
Batley, H.	Milton, lord
Bernal, R.	Monck, J. B.
Birch, J.	Philips, G.
Bright, H.	Ramsden, J. C.
Buxton, T. F.	Rancliffe, lord
Calvert, C.	Robinson, G.
Cradock, col.	Stanley, lord
Ebrington, lord	Thompson, ald.
Fergusson, sir R.	Waithman, ald.
Fortescue, hon. G.	Warburton, H.
Fyler, T. B.	Ward, W.
Gascoyne, gen.	Wood, John
Hobhouse, J. C.	Whitmore, W. W.
Hodson, F.	Wilson, sir R.
Howick, lord	Wrighten, W. B.
Hume, J.	Wyvill, M.
Lumley, J. S.	
Lushington, Dr.	TELLER.
Marshall, W.	Wood, ald.

The remaining Resolutions, relative to the duties on barley, were then severally put from the Chair, and carried without a division. After which, the Chairman reported progress and obtained leave to sit again.

HOUSE OF LORDS.
Tuesday, March 13.

Corn Laws — New Weights and Measures.] The Earl of *Malmesbury* presented a Petition from Banbury, against the Bill for regulating the Weights and Measures. The Petitioners stated that they were great sufferers by that Bill, as the Corn averages were made up by the Winchester bushel, and their property sold according to the Imperial measure; causing thereby a loss to the farmer of three per cent.

The Earl of *Lauderdale* said, he could not allow the opportunity to pass without calling to their lordships' recollection, the circumstances under which the act to regulate weights and measures passed. The first year it was sent up to that House, their lordships examined a number of individuals connected with the wine trade, who all agreed that no confusion or chicanery arose from the employment of the measures in use, while the preamble of the bill stated, that great inconvenience and numerous frauds were the consequence of their use. It had proved to be a most abortive law. It was merely an alteration of phraseology. Their lordships might pass a law to make him speak accurate English, and not allow him to put in one word of Scotch, but they could not succeed in effecting their object; and they would not succeed in altering the name, by which merchants, in common conversation, called such and such a quantity. The only part of the community that he had thought any alteration in the measures likely to be advantageous to, was the makers of weights and measures; but, instead of being benefitted, they had been ruined by it; for they had calculated that when the law would be in force, every county town would be obliged to buy new weights and measures. It was a most absurd act, which repealed two hundred and fifty compulsory acts, under the vain expectation of effecting, by an optional act, what two hundred and fifty compulsory acts had failed to accomplish. It was a stain on the prudence and wisdom of the legislature, and a disgrace to the community at large.

Ordered to lie on the table.

HOUSE OF COMMONS.

Tuesday, March 13.

Criminal Laws Consolidation Bills.] Mr. Secretary *Peel* rose, and addressed the House to the following effect:—

I rise, Sir, to introduce certain bills for consolidating and amending the laws in England, relative to Larceny and other offences. The bill I have now brought up—one of those bills at least—is for the consolidation of some of the branches of the statute and criminal law concerning theft. Probably the House will allow me to make a few observations, at this opportunity, in answer to some questions which were put to me, by a noble lord on a former night, on matters connected with these bills; which questions I was not then prepared entirely to answer. I beg to state, therefore, that the bills which I have to bring in this evening, are four in number. First of all, here is a bill consolidating the whole of the statute law of England, relating to the crime of larceny and other offences connected therewith; the second is a bill for the consolidation of all the laws relating to malicious injuries committed on property; the third is a bill relating to the very important question of damages arising from accident, and the cases in which the law will enable parties, who sustain such damages, to recover from the hundred; the fourth is a bill, Sir, which I have purposely kept distinct from the other three, and which will recite and repeal all the now existing statutes, that, should these bills pass into a law, will become unnecessary. The effect of these enactments, supposing they should meet the sanction of the legislature, will be to remove, altogether, from the Statute-book no less than one hundred and thirty statutes. And I have the satisfaction of stating, that, notwithstanding the repeal of so many acts of parliament, now forming part of the criminal law of England, the whole of the statute laws in this consolidated form—those, I mean, respecting the crime of theft—will be comprised within twenty-nine pages [hear]. In effecting this reduction in the bulk and number of the statutes, I have made no rash experiments as to the language of the enactments I propose to substitute in their stead. I have adhered, very closely, to the phraseology of those acts of parliament; I have retained all those terms and legal designations which are allowed to be of importance; but, in rejecting some redundancies and repetitions, I have endeavoured to steer a middle course between the general verbosity of our English statutes, and the extreme brevity of the French criminal code. This House has always shown itself extremely jealous of laws so very summary in their enactments, as those of the French code; because they necessarily devolve upon the judge who administers them, a much greater discretionary power than our own system professes to do. In point of fact, Sir, nothing is gained by the adoption of extreme brevity in the framing of acts of parliament. I will venture to say, that the French have experienced this truth, from the extreme brevity of their laws, and the circumstance of their enactments being couched in terms much too summary. The consequence has been, that the gloss or commentary of the learned lawyers of that country, defining the meaning and scope of these summary terms, has already attained an extent, which, in point of verboseness and complexity, bids fair to rival our own Statute-book. In the bills I have the honour of submitting to the House, a middle course has been steered between the redundancy of our own legal enactments, and the conciseness of the French code. I do confidently hope, that when a little further advance has been made in the work of repealing many of our old statutes, which should no longer be retained, and in the substitution of new ones in their place, the House will determine to take into its consideration the general state of the whole Statute-book; when, I am convinced, it will find a vast number of old or defective statutes, which it might determine to expunge, while it could retain those only which it may be absolutely necessary to preserve. The effect of such a proceeding would be evinced in many valuable and beneficial results. I think there ought to be a commission to ascertain what statutes at present remain in force, and what from their obsoleteness, or the fact of their being no longer applicable to the circumstances of the age, might be entirely dispensed with, or preserved only for the future inspection of the curious. Some statutes, like those of Magna Charta, for example, will always be retained, and treated, of course, with the respect and gratitude that

are due to them. But others, though of great antiquity, are of such a character, that it would be exceedingly expedient to get rid of them altogether. I am confident, that the fact of my being able to repeal by these bills, one hundred and thirty statutes, and to compress all that it is necessary to retain of them, or to substitute for them, into twenty-nine pages, will ultimately tend to an immense reduction in the bulk of our Statute-book.—I omitted to state, on a former occasion, some alterations, or, if the House will permit me to designate them by such a name, some improvements, which I have introduced into one of these bills—that which regards the offence of Larceny. The amendments I propose will have the effect, as the House will see, of reducing the number of capital punishments by law. Under the law of burglary, as it stands at present, if the burglary be committed in any out-house, which forms part of the frontage, that is part of that which, in law, is entitled an outer-fence, the burglary is a capital offence. If it be committed in the stable or the dairy, or within that which, in the old language of the law is called "curtilage," the burglar is placed in the same situation. I venture to believe, however, that no person who maturely considers this subject would advise that a burglary, consisting of the breaking into a cow-house, or stable, or dairy, should be visited with a severity equal to that which this species of offence, under more aggravated circumstances—as in the case of breaking into a dwelling-house—is subject to. I propose, therefore, that burglary, by breaking into a stable, or even into an out-house, shall not be included in the class of burglaries, for which capital punishment shall be assigned by the law; unless in cases where there shall be some communication between the actual dwelling and that part of the premises which shall have been broken into, by a covered passage, or a window, common to both of them.—Another important alteration I have suggested, for the purpose of remedying a great defect which exists in the law of England, as it at present stands, in respect to offences against property, committed under false pretences. Nothing can be imagined more ineffectual than the law of England at present is, with respect to crimes of this nature; and nothing more hopeless, I may add, than the attempt to obtain a conviction, where property has been so obtained under false pretences, which shall visit the offender with an adequate punishment. For example, you shall charge a person who has procured some valuable goods under false pretences with a misdemeanour; and his offence will immediately be, that he has committed a felony: so that he will plead the greater offence, because, in this case, the punishment is less, or the conviction more difficult. Such was the state of our statute law, at present, that this anomaly absolutely existed in it. If a purchaser, under a false and fraudulent pretence of purchase, get possession of property, he is indicted for a misdemeanour; if he be indicted for getting possession of such property, under pretence of hiring, that is larceny. If he be indicted for this offence, upon a case, where it appears that he got possession of the property before the negotiation for the purchase was completed, his offence is larceny. But if the purchaser under false pretences be not tried until after he has got absolute possession of the property, then the English law charges his offence as a misdemeanour; so that if he gets possession absolutely, his offence is misdemeanour; or if he hath obtained either a temporary or partial possession only, it is felony; and, as you cannot indict him both for the felony and misdemeanour at once, you are subject to be defeated, even in the clearest case, in your attempt to obtain a conviction against him, on an indictment either for the one offence or the other. This is especially true, if you charge him with the misdemeanor. If you cannot prove against him the "*animus furandi*," at certain periods of the transaction, you cannot convict him at all; he pleads to the felony, and your aim is defeated. Now, the object of the man in either case being the same—namely, to cheat; common sense prescribes the object of the law, which should be, in either case, to restrain and punish him. It can hardly be contended, that that is a sound state of law in which, if you hold a man guilty of a misdemeanour, he shall be liable to punishment; if guilty of felony, you shall be unable, in effect, to punish him. The noble lord, the member for Northamptonshire, asked me a question the other night, in relation to the Malicious Trespass act. That, of course, like many other laws relating to offences against property, I have made such an

alteration in, as I take to be improvements; for, while I have thought it incumbent upon me, and of great consequence, to retain all that was valuable in that law, I have ventured, at the same time, to make some amendments in it. The Malicious Trespass act was brought in, as the House is aware, four or five years ago, and enables the magistrate to convict the offender summarily, in the penalty of *5l.*, if the injury done amount to that sum; and upon non-payment of the penalty, the magistrate is empowered to commit to prison, for a period not exceeding three months. I propose to retain the sum which gives the jurisdiction, namely, to limit the operation of the penalty to cases where the injury done amounts to no more than *5l.* This law, as I said before, in its present state, enacts, that, in default of payment of the penalty imposed, the offender shall be held liable to a term of imprisonment not exceeding three months. Now this, I think, is a very inexpedient enactment. I propose to carry the same principle into my amendment of this law, as I have carried into the other improvements I have mentioned; providing that the amount of the term of imprisonment shall bear some proportion to the amount of the fine. With reference to the objects of this act, I consider, for example, imprisonment for the space of ten days, equal to a fine of *1l.* Suppose the damage, therefore, proved in any case, under this act, to amount to *1l.*, I propose, instead of an imprisonment for three months, to imprison for ten days; if the damage done amount to *2l.* then imprisonment for twenty days. The result of this alteration will be, that instead of the magistrates having a power to sentence for three months, the maximum of the term of imprisonment, that maximum will be fifty days. I beg particularly to observe, that I propose to exclude from the scope and operation of this act, all offences of every kind which may be considered as offences under the game laws. At present, in the case of damage done in the pursuit of game, the magistrate has the power to commit summarily under the game laws. I propose to leave out of the Malicious Trespass act every such case. At present, the party injured has the power of apprehending summarily, without a warrant, the offender who has maliciously injured his property; that is, I should rather say, in the case of wanton or malicious injury committed this day—two days hence the existing act gives the power to arrest without warrant. Now, I propose to take away the power of this arrest without warrant, under this act generally, and to limit it to those instances wherein the offender is caught in the fact. These, Sir, are the alterations I have made in the Malicious Trespass act. Then there are the laws relating to summary jurisdiction. Some of these impose a maximum, and others a minimum of penalty, at the discretion of the magistrate; under others, the magistrate has no discretion as to imposing any minimum of fine, according to the extenuating circumstances of the case, but must assign precisely that which is mentioned in the act. Now, I propose, in all cases, under these laws, to fix the maximum, but never to do so as to the minimum, of penalty; so that, if it shall satisfactorily appear in any case, that the party had no malicious intention in the damage which he may have committed, the magistrate may be at liberty to dismiss him instantly. At present, the power of imprisonment, in the event of inability to pay the enacted fine, was too extensive. I have attempted to regulate the proportion of imprisonment, according to the nature and amount of the damage done. And as cases of malicious injury to property, and other injuries of the same kind, admit of compensation, the party damnified, as the law stands, is to receive an amount equivalent to the loss sustained by reason of the actual injury committed upon his property, as satisfaction to him; and the magistrate has the power to inflict an additional penalty on the offender, as a satisfaction to public justice.—Having already, on a former evening, stated to the House the general principles on which the other measure I now introduce, are founded, I do not feel it necessary on the present occasion, to enter upon any further statement of them. As I believe that there exists no intention to oppose the second reading of these bills at present, I shall be much obliged if the House will permit them to pass, *pro formâ,* to that stage, and to the committee, merely to allow me in the mean while, time to fill up the blanks that occur. My sole object, I can assure the House is, that they may come before it, when in committee, in such a shape, as to give hon. members the best means of forming a cor-

rect view of their enactments: and, most assuredly, if it be desired to offer any objections to them, I shall be most happy to afford every opportunity for their discussion, and to offer every explanation in my power.

Sir *J. Newport* expressed his surprise that the bills introduced by the right hon. Secretary, which were found so beneficial for England, had not been extended to Ireland. He thought the whole United Kingdom ought to have the benefit of the improvements made in the law; but unfortunately, whenever any good measure was devised for England, it was not for years after extended to Ireland.

Mr. Secretary *Peel* said, that there were circumstances of difference in the law of the two countries, which rendered it impracticable for him at present to include Ireland in the bills introduced by him. He understood, however, that bills, embracing the principle of his bills, were in preparation by his right hon. friend, the Secretary for Ireland. He was here desirous of supplying an omission. It was to make a public acknowledgment of the great services he had received from Mr. Hobhouse the under-secretary, who had afforded him most important and valuable assistance. He had a similar acknowledgment to make for the valuable assistance afforded him by Mr. Gregson, a gentleman universally esteemed by the profession of which he was an ornament. Indeed, he had found a disposition to assist him, in clearing the law of its obscurities and perplexities, from the judges down to the humblest practitioner, which reflected great credit on all classes of the legal profession.

Mr. *A. Dawson* approved highly of the bills of the right hon. Secretary. They reflected great honour on him. His services might be compared with those which were rendered under the reign of Justitian, in the formation of a criminal code by the eminent lawyers, and statesmen of his time. The gentlemen who assisted the right hon. Secretary were also entitled to great praise; but he could not forbear thinking, that the right hon. gentleman might easily find three or four Irish gentlemen equally competent and equally ready to afford their gratuitous services in introducing these bills into Ireland, or in preparing similar bills for that country. He was at a loss to know what reason there was to prevent the extension of them to Ireland. The machinery of the law was the same in both countries. There were judges and juries, and courts of assize in one country as well as in the other; and he was anxious to learn from the right hon. Secretary what were the reasons that rendered these bills applicable and useful in England and inapplicable in Ireland.

Mr. Secretary *Peel* assured the hon. member that there was no disposition on his part to withhold these bills from Ireland; but he thought it would be well to try the effect of them in England, and if they worked well, then to extend them to Ireland. As far as the jury bill had been tried, it had produced the most satisfactory effects. The bills were drawn up with particular reference to the law in this country; and, if he was required now to include Ireland, he must forego the intention of passing these bills this session. He understood that a bill for consolidating the law relating to Larceny in Ireland was in a forward state of preparation.

Mr. *Spring Rice* said, he was glad to see the reform of the criminal law in the hands of the right hon. Secretary, who had the disposition as well as the power to carry his intentions into effect. The reform in which he was engaged, was one approved of and recommended by himself and by gentlemen on his side of the House, but they had not the means, as the right hon. Secretary had, to act upon their recommendation. He wished to see English principles and English law introduced into Ireland, and did not think there should be one set of rules for the Irish and another for the English magistracy. He would recommend his right hon. friend (sir J. Newport), who first called the attention of government to this subject, to move for the appointment of a committee, to inquire into the state of criminal law in Ireland, to ascertain what statutes were unrepealed, which contained enactments not to be found in any of the three or four bills introduced by the right hon. Secretary; and to simplify the criminal law in Ireland, by making it as conformable to the provisions of these bills as was possible.

Mr. *Shadwell* said, that the course taken by the right hon. gentleman was pursuant to the practice which had been heretofore adopted; and was the only proper course. A law might be perfect for England, but, at the same time, owing

to various circumstances, wholly inoperative for Ireland. So far from a remedy for the defects of the law in Ireland having been neglected, it was a subject to which the most diligent attention had been paid.

The four bills were then read a first and second time, and committed.

CATHOLIC EMANCIPATION — STATE OF IRELAND.] Mr. *Portman* presented a Petition from Blandford Forum, against any further concessions to the Roman Catholics. The hon. gentleman observed, that it could not be necessary for him to say that he differed from the petitioners. It was to him a matter of concern that he could not agree on this important subject with a large body of his constituents, for whom he entertained the greatest respect. Without pretending to go again into the general question, he would merely say, that he quite concurred with the great writer who had said, that "when gentleness and harshness gambled for a kingdom, gentleness was sure to be the winner." He was desirous to put a question to the right hon. Secretary for the Home Department on a subject of no common importance. It might appear presumptuous in him; but, as an English country gentleman, as a representative of the people, called upon to raise taxes for the purpose of supporting a system which the hon. member for Londonderry had characterised to be such, that in his opinion Ireland was in a state which could not possibly last; he felt it to be his duty to ask the right hon. gentleman, if he had any measure in contemplation to propose to that House, calculated to ameliorate the condition of Ireland; which condition had been described by every hon. member acquainted with that unhappy country, as the most miserable that it was possible to conceive? He addressed the right hon. gentleman, because he believed that he was the organ of that part of his majesty's government which corresponded more especially with the executive government of Ireland. He hoped it would not be supposed that, because he differed from the right hon. gentleman on one great question, he could entertain towards him any hostile feeling, which would induce him to make any inquiry of an embarrassing nature: but it was in the discharge of an imperative duty that he now asked him whether he had in contemplation any measure for the purpose of removing the evils by which Ireland was afflicted?

Mr. Secretary *Peel*, in answer to the hon. gentleman, begged leave first to state, that although his hon. friend, who represented a populous and prosperous county in Ireland, was connected with him in his official duties, as well as allied to him in private life, yet that these did not make him responsible for what his hon. friend had said in that House; nor must it be supposed that he took all his hon. friend's statements for granted. He begged that his own opinions might be judged of by his own speeches. When the hon. gentleman asked him, whether he had any specific measure in contemplation for ameliorating the state of Ireland, and removing the evils under which that country laboured, he thought the hon. gentleman's own good sense must have induced him to anticipate the answer which he would receive to his question. He certainly had not in contemplation, at the present moment, any specific plan by which he hoped to be able to remove the evils in Ireland. Respecting the nature and extent of those evils he had recently taken an opportunity of stating his sentiments; and he did not think it necessary to [illegible]t them. He trusted it would not be supposed that, in the opinion which he had given on the occasion alluded to, he was not actuated by the warmest feeling for the welfare and prosperity of that country. His opinion might be erroneous; but it was dictated by the most sincere anxiety for the happiness of the country to which it related. In the last and in the preceding session of parliament, the state and condition of Ireland had undergone the fullest investigation before a committee of that House. He had attended throughout the whole of those inquiries, and had listened with the greatest interest to all that had taken place. Some of the evils pointed out by those committees had been remedied; to others he should be most willing, if possible, to apply a cure. If he had any measure to propose, such as that which the hon. gentleman described, the hon. gentleman would have no right to call upon him to disclose its nature. He would of course, in that case give full notice of his intention, in order that the subject might be deliberately considered. If he had any such plan, no better mode could be devised of defeating it, than by making a pre-

mature disclosure of its character. But the fact was, that he had no such plan; although he looked upon Ireland with the same anxiety to remedy evils existing in that country as he felt to remedy evils existing in this.

Lord *Ebrington*, in presenting a petition from certain parishes in the county of Waterford, in favour of Catholic emancipation, took that opportunity of stating, that, although the greater part of the individuals signing the petition were in the lower walks of life, they were nevertheless perfectly sensible of the importance of their claims. From his own personal knowledge, he was quite certain that the question was viewed in Ireland with the deepest anxiety. He could not forbear expressing a hope, that those who had taken upon themselves the responsibility of the rejection of that great measure, would come forward with some proposition for the purpose of allaying those irritated feelings which existed before the measure was thrown out, and which he feared now existed in a still stronger degree, and which could not fail of being exceedingly injurious. With every degree of deference to the opinions of those who differed from him on the question, he could not help believing, that, unless something were done, and speedily done, for Ireland, much evil would follow. It had been admitted, even by those who were averse to the claims of the Catholics, that things could not long continue in the state they were.

Ordered to lie on the table.

ATHLONE ELECTION — FORGED PETITION.] Mr. Handcock presented a Petition from certain inhabitants of the town of Athlone; setting forth,

"That the petitioners have learned with surprise, that a Petition has been got up, and presented to the House, in November last, by a person of the name of Flanagan, to which the petitioners' names were affixed, the purport of which Petition was to disturb Richard Handcock, esq. in his return as member to serve in parliament for the borough of Athlone; the petitioners beg leave to state to the House, they never signed said Petition, nor did they authorize any person so to do: they also beg leave to inform the House, that their names, so affixed to said Petition, are forgeries, as may appear by the annexed affidavits, and that petitioners are not freemen of the borough of Athlone, nor do they claim a right to vote at an election; and petitioners further state, that said Thomas Flanagan is in the habit of getting up petitions to parliament, in several vexatious and frivolous ways, setting the people astray, and instigating them to overt acts against the magistracy of the country: petitioners, therefore, humbly hope the House will take their case into consideration, and devise some means, as in their wisdom they shall think fit, to prevent petitions with forged signatures being presented to the House in future."

Ordered to lie on the table, and be printed.

JAMAICA—ATTACK ON THE WESLEYAN MISSIONARY MEETING-HOUSE.] Dr. *Lushington* said, that he rose to bring before the House a subject intimately connected with the character and welfare of one of our principal West-India colonies. He would call the attention of parliament and the country to an act of lawless violence and indecent outrage, perpetrated in violation of every respectable feeling, and instigated by a clergyman of the Church of England, against an individual as helpless as he was unoffending. The act to which he alluded, bad as it was, had been accompanied by circumstances of brutal violence, which required no comment, and defied exaggeration. The subject he had undertaken to bring forward was, in his opinion, of no small importance to those who had been accustomed to the discussion of such subjects in this House; and it would excite no small surprise, when it was considered, that it had occurred after the recorded wish of parliament, that it would take every measure in their power to maintain religious freedom, and an observance of the laws in the West Indies. Throughout the island of Jamaica, it had been a long-established custom, that the slave population should be indulged with an annual relaxation from their toils at Christmas; upon which occasion the militia regiments of the island were called out upon service. This latter practice had, for many years, fallen into disuse; but recently it had been renewed; and, for the last two years, the regiments of militia had been stationed on guard, during the period of Christmas. On last Christmas day, in the parish of St. Ann's, Jamaica, the militia were called out to keep watch and guard over the slave population, and protect the

property of their masters. They had previously assembled to hear divine worship in the parish church of St. Ann's. On that occasion, a sermon had been preached by a Mr. Brydges, the chaplain of the bishop of Jamaica. The House would hear with astonishment the sentiments and exhortations of the preacher. He had thought fit to deliver to this regiment of militia, a discourse couched in the most inflammatory language; censuring the establishment of missionaries in that island; and exciting a body of men, with arms in their hands, to acts of outrage and bloodshed. Immediately after that sermon, a company of the regiment was left on guard. During that time, about midnight, they made an attack upon the house of the rev. Mr. Ratcliffe, a Wesleyan Missionary, which was inhabited by that person himself, with his wife, children, and servants. The attack was made with muskets and horse-pistols, and no less than fourteen musket balls were fired into the house; not hurriedly or without consideration, but at intervals, and by word of command. The guard, of which he had already spoken, was all this time on duty, in the close vicinity of Mr. Ratcliffe's house, but no attempt at interference took place on their part; and it was owing, not to the humanity of this white company, or to the Christian exhortations of the rev. Mr. Brydges, but to the accident of the balls not having taken effect, that murder was not added to outrage and violence. He had not gone to the length of the accounts which he had received from Jamaica; nor had he stated the case as strongly as he would have been justified in stating it, from the accounts which had been published in two Jamaica newspapers. He trusted that the House would lose no time in lending its weight and authority to punish guilt, as they had in vain attempted to prevent its commission, by passing its former Resolutions. He brought forward the present measure not at the desire of any body of men; but he would state, that the person outraged was one of the body of Wesleyan Missionaries. He had no connexion with that body whatever; and he brought forward the subject, because it was an infringement of the principles of toleration—an attempt to suppress religious freedom. But, if he had no connexion with the Wesleyan Missionaries, he was but doing them justice to say, that it was owing to their exertions that the lower classes in the West-India islands had acquired any sentiments of religion, and that they were no longer sunk into the lowest state of idolatry and Paganism. The right hon. member for the borough of Christchurch (sir George Rose), who was so intimately connected with the West Indies, had stated, that out of the slave population of all the West-India colonies, only one hundred thousand possessed the slightest knowledge of Christianity, and of these, seventy thousand were indebted for what knowledge they possessed to the Wesleyan Missionaries. It would appear, that the Wesleyan Missionaries had no competitors in the clergy of the Church of England. At the same time, he was far from blaming the Church of England for not effecting what it had, perhaps, no means of accomplishing; neither did he intend to blame the ministers of the Church of England, because they had been equally destitute of assistance, to enable them to enlighten our slave population. Government had most wisely determined to remove that defect; but he should grieve, if the Church Establishment, in the colonies, were to bring along with it all the evils of religious persecution. The Missionaries had overcome every obstacle and difficulty; and they had achieved so much, that every man who had a regard for the moral improvement of the human species, and who had at heart the propagation of religious sentiments, must yield to them applause for what they had effected. He for one would not desert them, if he saw in any quarter a disposition to expose them to calumny and oppression. He would be the first to come forward to enable them to obtain that protection to which, by the laws of God and of the land, they were entitled. If a regiment, three-fourths of which consisted of coloured people, saw their white fellow-soldiers allowed to perpetrate an outrage, such as that which he had described, what would be the natural effect of it? What example was this to set them? Would they not thereby be encouraged to treat with less respect, the laws which they saw their comrades violating with impunity? What would be the effect of the example upon the slave population, when they saw the whites, in violation of the laws, committing all but murder? But the matter did not stop here. On the Sunday following, only two days having elapsed, this very identical clergyman, Mr.

Brydges, had the confident assurance to mount his pulpit, to allude with triumph and satisfaction to the preceding outrage, and to repreach the same sermon? Some hon. members might wish to know who this rev. Mr. Brydges was. He was an individual who first attracted public notoriety by the promulgation of a libel upon the memory of a man entitled to the respectful recollections of all those endued with the feelings of humanity. The first public proceeding of Mr. Brydges was a libel on Mr. Wilberforce, to whom he applied these words—"*Mel in ore, verba lactis—Fel in corde, fraus in factis.*"—As a reward for this composition the House of Assembly in Jamaica voted him a sum of money; and, as a further encouragement, the bishop of Jamaica appointed him his chaplain. He trusted that, if the facts which he had stated could be brought home, some means would be devised of punishing, not only those who had been guilty of a violation of the law in firing into the House of Mr. Ratcliff, but also the fountain and author of that outrage; for, undoubtedly, those who suffered themselves to be made the instruments of such an act of violence, however culpable, were less guilty than the man at whose instigation it was perpetrated. But, could the House be surprised at this occurrence. He confessed that he was not, when he recollected the shameful transaction which had taken place at Barbadoes; and when he reflected that no punishment of any sort had lighted on the heads of the offenders—when he knew that the magistrates had not only been regardles of the offence which was committed, but actually in connivance with the guilty parties—and when, so far from the participators having been visited with the penalties due to their crimes, they had all been suffered to retain their situations. When he saw how incapable the parliament had hitherto been to repress or to redress grievances of this description, he could not feel surprised at their recurrence. Jamaica was at least as fully entitled to the protection of government as Barbadoes. He did not scruple to say, that he entertained a higher opinion of the former colony than of the latter; and, although the people of Jamaica had, in some instances, done him injustice, he would not retort that injustice upon them. The necessity of the interposition of parliament was not removed or diminished by the circumstance of colonel Cox having endeavoured to investigate the transaction shortly after its occurrence. He trusted that that investigation would be attended with more beneficial results than had flowed from the proclamations of general Ward on a similar occasion in Barbadoes. The efforts of general Ward had been fruitless; but he hoped that the proceedings of colonel Cox would tend to rescue the island of Jamaica from the reproach and obloquy which would attach to it, if such an atrocity as this were passed over in silence. The occurrence, he was able to say, was not viewed with apathy or indifference in Jamaica. Two of the public papers there had reprobated it in much stronger terms than he had ventured to use. He hailed the return of good feeling in Jamaica; and he would exhort the colonists to recall as far as possible their past conduct, and to adopt a more becoming course in future. When he saw the galaxy of talent and ability which shone in the House of Assembly in Jamaica—and no one could read the deliberations of that body without being struck with admiration of the wisdom and talent it embodied—he felt it impossible that the darkness of superstition, and the degradation of sentiment, which had given rise to this outrage, could long withstand their influence upon the society of the island. He would say to the legislators of that island, "Do not wait for the orders of government—anticipate the measures of parliament—do all you can to save the character of your island from the disgrace of having permitted a body of armed men to commit an outrage upon an unoffending missionary—take into your own hands the prerogative with which the mother-country has invested you, and show yourselves worthy of the charter which, in her kindness she gave you." His reason for bringing forward the subject at the present moment was to show his determination, after what had occurred at Barbadoes, not to allow a single instance of religious intolerance in the West Indies to transpire, without bringing it under the notice of the House. He knew that this spirit of illiberality was spreading; that endeavours were made to depreciate the efforts and the characters of the Missionaries, and to set the Church of England against them. If it should so happen, that in process of time, through the instrumentality of her ministers, the Church of England should attain a

superiority over the Missionaries in the West-Indies, and extinguish Methodism, he would most cordially hail such a consummation; but, in Heaven's name, let it not be effected by means of oppression and persecution. Let the Missionaries have fair opportunities, by their own exertions, to maintain their ground; and, which, ever body should eventually possess the superiority, the results must be the diminution of immorality and vice, the spread of religion, and the advancement of those feelings which it ought to be the object of every just, wise, virtuous, and beneficent government to foster and promote. He hoped he had not let fall one word that night which could be likely to increase the animosity that prevailed in the West Indies. Far from wishing to irritate such feelings he was most anxious to soothe and allay them, and to unite all classes in that course which would forward the cause of justice and humanity. He would conclude with moving for "Copies of all despatches which his majesty's government have received from Jamaica relative to an attack made on the Wesleyan Missionary Meeting House, and the dwelling of Mr. Ratcliffe the Missionary, at Christmas last."

Mr. *Wilmot Horton* begged shortly to offer a few observations upon the motion; and, in doing so, he assured the House, that no despatches had been received in his department, in which mention was made of the outrages alluded to; and he would further state, that, had he received notice of the commission of any such outrage, he would have felt it his duty to have brought it under the consideration of the House. As matters at present stood, he thought it would be most advisable for the hon. and learned member to wait until such information had been received as would enable his majesty's government to interfere with, and direct the local authorities. With respect to the rev. Mr. Brydges, he should, if the statements were true, strongly condemn his conduct; but it was too much to suppose that the whole colony were actuated by such sentiments. It might or it might not be true that sermons, such as those alluded to, had been preached by that gentleman; but they were bound to wait until they had ascertained the fact. In the mean time, it was not too much to say, it was highly improbable that such sermons had been preached from the pulpit, for such purposes. The hon. gentleman here read an extract from a Wesleyan Missionary Report, dated 1824, for the purpose of showing that the government of Jamaica was not at all hostile to the Dissenting Missionaries established in that island. He again assured the House, that no complaint of the nature alluded to had reached his office; and he trusted, the proposed inquiry would show, that there did not exist any such feeling towards the Dissenters in that island. While he said this, he trusted, that any outrage so base and unwarranted as that described, would, when fully established, meet with condign punishment. Upon this point, however, they must wait for further evidence; and that evidence being once laid before them, there could be little doubt that they would come to a satisfactory decision upon it.

Mr. *F. Buxton* said, that, without entering into the general question before the House, he thought he could show, that it was not only possible, but probable, that the rev. Mr. Brydges had been guilty of the conduct imputed to him. That rev. gentleman had been made rector of St. Ann's, and chaplain to the bishop, after the period to which he was about to allude. The honourable member was proceeding to show that the rev. Mr. Brydges had been guilty of gross mis-statements, in an answer to a pamphlet published by Mr. Wilberforce, in which he stated, that he had baptised such and such numbers of negroes, in different districts, when—

Mr. *Wynn* rose to order. He would put it to the House whether they ought to go at once into the inquiry proposed by the hon. member? The motion before the House was for papers relative to a certain outrage which had been committed in Jamaica; that outrage, it was said, had been fomented by the rev. Mr. Brydges, and, when his hon. friend made no objection to the motion, up rose the hon. member for Weymouth, and stated, that he could show that the rev. Mr. Brydges might have been guilty of the alleged outrage, because he could prove that that rev. gentleman had been guilty of falsehood in other instances. He was not there to say whether the answer to Mr. Wilberforce was founded in truth or falsehood, but he felt that that was not an inquiry into which they ought to enter at present.

Mr. *F. Buxton* said, that if the right hon. gentleman had allowed him to go a little further, he would have found it un-

necessary to interrupt him; but, as he had felt it proper to do so, he would go no further at present.

The motion was agreed to.

COURT OF CHANCERY—BANKRUPT FEES.] Mr. *D. W. Harvey*, in bringing forward his motion on this subject, referred to the statement which he had made on a former night; namely, that the fees which the lord Chancellor received on account of his jurisdiction in bankruptcy amounted to 20,000*l.* a-year. That statement had been met by a strong contradiction from the hon. member for Corfe Castle, who was presumed to speak with all the accuracy of family information, and who had said, that the lord Chancellor received only 3,000*l.* a-year from bankruptcy. Now, he considered that it was right for the House to know whether the lord Chancellor did or did not receive 20,000*l.* a-year from the exercise of one branch of his jurisdiction; especially as the hon. member for Durham had given notice, that he would move to separate all matters in bankruptcy from his lordship's jurisdiction. Notwithstanding the contradiction which he had received, he still believed that he was not in error in the assertion which he had made. He had shown to several professional gentlemen the paper which he then held in his hand, and which contained an account of the number of bankruptcies which had occurred for some years past. Judging from the grounds which it afforded them for calculation, they were of opinion that he was right, and that the hon. member for Corfe Castle was mistaken in his statement. The return of the amount of fees for one year would serve his purpose as well as the return of it for many. He had, therefore, selected the last year; not because there had been a large number of bankrupts in it, but because it would give them the most recent information as to the amount of the lord Chancellor's fees in bankruptcy cases. Without troubling the House with the details, he believed it would be found, that, from the 1st of October, 1825, to the 1st of October, 1826, the lord Chancellor had received, in bankruptcy matters alone, fees to the amount, not of 3,000*l.* but of 30,000*l.* [hear, hear]. He was aware that, out of that sum, the learned lord paid his secretary of bankrupts, and certain subordinate officers, for the fact appeared on the returns of 1816; but he wished to know the nett amount of what his lordship received, in order that the country might judge whether any feeling of self-interest was likely to influence him in opposing the separation of the matters in bankruptcy from his equitable jurisdiction. With this intention he should move, "That there be laid on the table of the House, a return of the total amount of fees received for 3,549 dockets, struck between the 1st of October, 1825, and the 1st of October, 1826; also, a similar return of the amount of fees received on 3,272 commissions of bankrupts, issued within the same period; also, similar returns with regard to 276 supersedeases, 1,281 certificates, 832 petitions in bankruptcy, and 832 orders upon petitions made within the same period; also, a return of the total amount of fees received for private seals upon commissions and supersedeases, and for office copies of affidavits in support of or against petitions; also, a return of the total amount of fees in bankruptcy, received at the Bankrupts'-office, not particularly specified in the above returns; together with an account of the specific appropriation of all the foregoing fees and payments during the same period."

The *Attorney-General* said, that the hon. member had not merely repeated his former assertion, that the lord Chancellor received 20,000*l.* a-year from fees in bankruptcy, but had even gone beyond it; for he now, unappalled by former contradictions, ventured to assert, that his lordship received 30,000*l.* a-year from them. There could be no doubt as to the amount of the lord Chancellor's emoluments, as they had been made a subject of inquiry by three different commissions; of which the first had sat whilst lord Rosslyn was Chancellor, and the last in 1811, when lord Eldon was Chancellor. From those reports it was apparent, that the lord Chancellor had never received, upon an average, 4,000*l.* a-year from his fees in bankruptcy, and that his whole emoluments did not, in the long run, exceed 15,000*l.* a-year. He did not rise, either on his own account, or on account of the lord Chancellor, to object to the present motion. The noble lord was as desirous as man could be, that no information on this subject, which it was in his power to communicate, should be withheld from the public. Neither had the noble lord, as far as he knew, declared himself to be

averse to the separation of the business in bankruptcy from the other business of his court. The hon. member, therefore, laboured under some delusion when he said that his motion would enable the country to decide whether the noble lord opposed that separation from motives of self-interest or not. If the hon. member had no other object in view than to elicit correct information as to the amount of the lord Chancellor's emoluments, he should be glad to do every thing in his power to assist the hon. member. With that intention, he would suggest to the hon. member, that, instead of moving for a return of the amount of fees taken during a year, when the number of bankrupts was unusually large, he should move for a return of the amount of fees taken since 1811, when the last returns were made, distinguishing the amount in each year. If the hon. gentleman should not incorporate that suggestion in his proposition, he would himself submit it as a distinct motion to the House.

Mr. Serjeant *Onslow* eulogized the great talents and unimpeachable integrity of the present lord Chancellor. He likewise defended the Commissioners of Bankrupts from the attacks which had been recently made upon them, and contended, that, so far from their being either incompetent from youth, or stultified by age, they were some of the most able and distinguished members of the profession.

Mr. *George Bankes* wished to know, whether the motion referred to the amount of fees received by the Chancellor alone, or to the amount of fees received both by him and the subordinate officers of the court?

Mr. *D. W. Harvey* said, that if the hon. member would refer to the last of his motions, he would find in it an answer to the question which he had just asked. His belief was, that five-sixths of the fees included in his motion were received, not by the subordinate officers, but by the head of the Court of Chancery. The returns, however, for which he moved would, if granted, settle that question beyond all future power of discussion. He again contended, that the fees of the lord Chancellor, in bankruptcies, were not 3,000*l.*, but 30,000*l.* a-year. It was a notorious fact, that on every docket a fee of 2*l.* 1*s.* was paid. Now, by common arithmetic, the amount of those fees, on 3,549, were 7,275*l.* 9*s.* On every commission of bankruptcy a fee of 4*l.* 10*s.* was paid. The fees, therefore, on 3,272 commissions of bankruptcy were 14,724*l.* These fees, added to those which were received on petitions, orders, &c. amounted, in the last year, to 32,212*l.* 11*s.* 5*d.* He saw no reason why he should be diverted from the course which he had originally intended to pursue, and he should, therefore, press his motion, regardless whether the hon. and learned gentleman should or should not meet it with a negative.

The motion was agreed to.

The *Attorney-General* said, that if the object of the hon. member had been to elicit truth, he would have consented with readiness to the suggestion which he had made to him. If the returns had been ordered in the manner in which he proposed, it would have completed the returns made in 1811, on the emoluments of the lord Chancellor, up to the present time. Out of the 2*l.* 1*s.* mentioned by the hon. member, only 1*l.* was paid to the Chancellor; the remaining sum was paid to a grantee, appointed during the chancellorship of lord Thurlow. The hon. and learned gentleman concluded by moving, for an account of all Fees in the different branches of bankruptcy business, received by the lord Chancellor, from 1811 to the present time; and he said, that he had no doubt but that it would appear, from this account, that the average of the Chancellor's receipts in bankruptcy did not exceed between 3,000*l.* and 4,000*l.* a-year.

Mr. *Butley* took the same view of the matter as the Attorney-general, and could not but express his surprise at the misstatements which were abroad respecting the lord Chancellor's income. He knew it was the opinion of commercial men, that some alteration should be made in the administration of bankrupt cases; but for himself he was quite satisfied that things ought to remain in their present state.

Mr. *Baring* concurred with the original motion, and trusted, that by the returns thus called for, the House would be able to know exactly the amount of fees received by the lord Chancellor, and to ascertain who were the grantees spoken of by the Attorney-general, as having been appointed under lord chancellor Thurlow, and who, from his statement, appeared to be deriving large emoluments from a system which he could not but designate as most disgraceful. When he recollected

what had taken place in the discussions upon the subject of granting increased salaries to the judges, he could not but remember, that one of the arguments principally relied on in support of that measure was, the necessity of taking away the fees that were then paid to the judges, and that were supposed to create an idea that those learned persons might feel an inclination to encourage litigation for their own advantage. Now surely, if such an argument could with the least propriety be applied to the common-law judges, with how much more force did it apply to the lord Chancellor, who was a judge sitting to administer equity, without the intervention of a jury—whose power was in no instance equalled among the other judges—whose *fiat* was conclusive; since, from his decisions, there was no appeal but from himself in his own court, to himself in the House of Lords? Some idea of the jurisdiction intrusted to that noble lord might be formed from the fact, that property to the amount of forty millions was now the subject of litigation in the court of Chancery. Surely, when the House were deliberating upon the fees received by such a person, they could not but agree, that it was of the utmost importance that his judgments, and the whole administration of his most important office, should be free from the most remote suspicion of interest; for let men talk as they pleased about the high characters of individuals, there would be suspicions entertained by the people, whenever public and private interests seemed to clash together. For that reason, he was of opinion, that the lord Chancellor's salary should be put on the same footing as those paid to the judges of the common law; that was to say, that it should be fixed at a certain sum, and rendered totally independent of fees. By putting it upon that footing, the House would be conferring a benefit upon the Chancellor; since they would prevent him from becoming, night after night, the subject of such discussions as the present. He was not prepared to say that the Chancellor was over-paid, even if it should be proved that he did actually receive 20,000*l.* per annum; though the inclination of his mind was, that 12,000*l.* per annum would be an ample compensation for the labour of the office. However, he thought at all events the emoluments of the office, be they what they might, ought not to be received in fees, but in some less objectionable manner.

The motion was agreed to.

EXCHEQUER PROSECUTIONS UNDER THE CUSTOMS LAWS.] Mr. *D. W. Harvey*, in bringing forward his motion upon this subject, disclaimed any wish to impute improper motives to any person. His sole object had been, since he possessed a seat in that House, to discover and point out abuses of every description; and among those which required the notice and animadversion of parliament, none appeared to him greater than those which were connected with Excise prosecutions, which were so great in their extent, and so oppressive in their nature, that we might well wonder at their existence in a free country. He should first take the prosecutions that had been commenced upon the Customs'-law, as they were fewer and less oppressive than the others; and yet so great, that they called loudly for parliamentary interference. He did not mean to impeach the honesty of lawyers; but he did mean to say, that even they would not be free from suspicion, when prosecutions were carried on apparently with no advantage to the public; certainly, with great injury to the persons against whom they were directed; and when, on each of these, the prosecuting law officer received a fee. From a paper which he held in his hand, it appeared that seven hundred and nineteen prosecutions had been commenced from the year 1820 to 1826 inclusive, to recover penalties to the amount of 580,136*l.*, and out of all these, the sums recovered only amounted to 23,789*l.*—a pretty strong proof of the small advantage derived by the public from them. In certain prosecutions which would be brought under the view of the House, if his motion should be agreed to, it would appear, that the Crown had lost, in expenses, more than 1,000*l.* beyond the sums awarded by the verdicts in its favour. In a prosecution where the verdict was for 11*l.*, the costs were 151*l.*; and in another case, where the costs were 600*l.*, there was a compromise for 30*s.* Some speedy means ought to be taken to expose the mode of conducting business of this nature, that the proper remedy might be applied. He did not mean to blame the higher law officers of the Crown for the abuses of which they were probably igno-

rant, and for which, perhaps, they might not consider themselves responsible. But the fact was, that worthless persons were sent, or at least went about the country harassing great numbers of honest, creditable, and industrious tradesmen, offering them for sale, and even thrusting upon them, certain articles, with a view to lay the ground for informations against them. This was done, not from any view to protect the revenue, but for the purpose of aggrandizing those who employed such persons for such an object. In the county of Sussex, for instance, persons had been induced to go about persuading tradesmen to purchase certain articles, for the purpose of laying a foundation for informations; and then, when such informations were lodged, the same persons used all their influence with those whom they had entrapped, to induce them to petition to be allowed to compromise, on payment of costs. As he could not anticipate the possibility of any objection being made to his motion, he did not think it necessary to go more at length into the subject at this time. But in order to bring the subject fairly before the House and the public, he was not aware of any better mode than to move for the number of the Solicitors' bills sent to the Treasury, for the costs of the prosecution of certain specified cases of late occurrence. He doubted whether any such bills were now in existence; but if they were, and could be produced, they ought to be laid on the table of the House. He concluded, therefore, by moving for "the Bills of Costs paid by the Crown in the various Informations filed in the Court of Exchequer, for penalties for breaches of the Customs Laws, against the following defendants:" [here followed the names of twenty persons lately prosecuted as above-mentioned.]

The *Chancellor of the Exchequer* expressed himself not at all unwilling to afford the hon. member every information which he could reasonably desire on this subject. But it was really too much to expect, that the hon. gentleman should be allowed to bring before the House, as a specimen of the whole matter, some twenty cases, such as he chose to select out of two or three hundred. He had no objection to such a motion generally; but this mode of selection would not bring the matter fairly before the House. He would therefore recommend to the hon. gentleman to adopt some fair principle—such as taking the first twelve or twenty, or the last twelve or twenty cases out of a certain number; and then he would not oppose his motion. But if the hon. member refused to alter his motion in the manner he had stated, he should be compelled to object to it. He could not help, however, remarking on the attempt of the hon. member to vilify the Board of Customs, and the Custom-house officers. He certainly understood that the hon. member had excepted from his censure the higher law officers of the Crown and the commissioners of Customs; but he appeared at the same time to insinuate some censure against the solicitor for the Customs, as well as others, for instigating persons to lodge informations, not with a view to the protection of the revenue, but for the purpose of aggrandizing himself. Now, did not the hon. member know that, for the last three years, the solicitor had derived his emoluments, not from fees on account of prosecutions, but from a fixed salary of 2,000*l.* a-year; and that the utmost extent to which his income could be increased beyond that, whatever might be the number of prosecutions, did not exceed 500*l.* a-year? The greatest sum which he could possibly receive, therefore, in all, was only 2,500*l.* per annum; and it could not be reasonably supposed, that for the mere sake of the 500*l.* beyond the 2,000*l.*, he could be influenced, by dirty and scandalous motives, to increase the number of prosecutions.

Mr. *Burrell* said, that there were frequently great hardships in these prosecutions in the Exchequer. The supposed smuggler, for instance, committed the crime on the coast. The Attorney-general filed an information, and it was understood that it was to be tried in the county of Sussex. It turned out, however, that the trial was to be in London. The defendant all this while did not know what witnesses were to be produced against him; nor could he be prepared with them so well as he might be if the trial had taken place in the county where the offence had been committed. Whatever the man might be, this was a harsh proceeding; whether smuggler or not, he ought to have fair play. He did not mean to speak invidiously, but he was informed, that, on the preventive service, there were persons of no very good character, and that on the information of such persons, smugglers had

been imprisoned for eighteen months, and then ordered to find security for their good behaviour, and being generally unable to provide such security, they were liable to be imprisoned for life.

The *Attorney-General* denied that any injustice had been done in the cases of those persons who had been alluded to by the hon. member. In fact, it was the opinion of the best-informed persons in Sussex, that smuggling offences ought not to be tried by juries of that county; and he had heard the same observation made with respect to Kent. The strength of local prejudice, it was asserted, strongly militated in those places against the course of justice. Those who wished to have the law ameliorated had made every inquiry on the subject; and they were universally met by this answer—"Do not try cases of this nature in the places where the transactions were alleged to have taken place, but let the inquiry go on elsewhere." It was made a matter of strong complaint, that cases which occurred in other counties were tried in Middlesex: but let those who so complained examine the matter, and point out where any real hardship lay? The most ordinary seaman knew perfectly well, that if he offended against the law he would be tried at Westminster. The phrase, that the man so erring would be "Exchequered," was perfectly known and understood. He, therefore, contended, that no harm was done, when the parties who erred were well acquainted with the fact, that their trial would take place in the court of Exchequer. He never knew any individual to come forward and say, when put upon his trial, that he had reason to complain, because he expected to have been tried elsewhere. The hon. mover expressed a great anxiety to convince the House, that, in introducing this motion, he had nothing but the interests of justice in view. It was extraordinary that he should, while thus declaring his own purity of intention, have been so unsparing of his calumnies on others. It had been asserted, that no improvement had been effected with respect to the administration of those laws. Now, it would not be difficult to prove, that a very material improvement, with respect to the administration of the revenue laws, had taken place. Formerly, every case relating to the revenue laws was tried in the court of Exchequer. This was undoubtedly attended with great expense. Many of these cases were now decided before a magistrate; and there was, in consequence, a great abatement of these cases in the court of Exchequer. He must observe, that the labours of the law officers of the Crown, in this department were extremely heavy; such as he believed would scarcely be undertaken by any other gentlemen. He knew not whether the hon. mover had, in his observations, an eye to Essex; but this he knew, that, in the very last case he was connected with, which related to Essex, a large and thumping verdict for the Crown, of between 2,000*l.* and 3000*l.* was given. That verdict was obtained against persons who were notorious violators of the law. The information never was carried before the court of Exchequer, unless the penalties were high indeed. When the hon. gentleman talked of prosecutions, or persecutions, as he was pleased to call them, he should like to know how many verdicts the Crown had received within a given time, and how many causes they had lost?

Mr. *Bernal* observed, that the measures which had been taken to support the revenue laws had greatly encouraged the race of informers. The Attorney-general must be well acquainted with the fact, that many instances of hardship and oppression had occurred under the system. A fair question arose; namely, what benefit had been derived from a multitude of prosecutions under these laws? Now, it appeared, that in 1825-6, the sum lost by the Crown, or rather by the country, in consequence of these prosecutions, was upwards of 490*l.*, and in 1825, the sum of 897*l.* was lost in the same manner. There was in those cases no lack of counsel, of agents, and of witnesses; and yet such was the result in spite of all their efforts. If they looked to the account to which he had referred, from January to October, they would perceive the entry with respect to the profits of the Crown to be "nil, nil, nil." In February, 1826, an information was laid against a man for a penalty of 447*l.* What was the result? Why, he found the entry, as to the Crown, according to custom, "nil;" but the costs were not "nil;" they amounted to 114*l.*, which the public had to pay. This was merely one sample out of a great many. Did the Crown pay the costs or did it not? By the smile on the countenance of the Attorney-general, he supposed the costs were paid by the party prosecuted. Now, nothing could be more unjust than this.

Indeed, the whole system was so conducted as to afford facilities to subaltern officers to lay informations against individuals, whose pockets, whichever way the case was decided, were sure to suffer.

Mr. *Wynn* expressed his surprise at the line of argument adopted by the hon. gentleman. Were actions of the kind to which he had referred to be supported, or decried, only in proportion as they brought money into the public coffers? Were they, because, from various circumstances, they might sometimes fail, to be therefore considered unwise and improper? Because money was not likely to accrue from these prosecutions, was that a reason why individuals who transgressed the law should not be punished, and made examples of? Supposing 490*l.* to have been expended in costs, was not that sum well laid out, if it deterred others from entering into conspiracies to defraud the revenue.

Mr. *Maberly* said, he considered the answer of the Chancellor of the Exchequer, as to the imputations against the solicitor of the Customs, complete and triumphant. He trusted, that the right hon. gentleman, seeing how the new and very commendable arrangement respecting the allowance of the solicitor to the Customs had been received by the House, would be induced to place the Excise upon the same footing.

Mr. *J. Smith* was of opinion, that the officers employed by government were sometimes very remiss in the performance of their duties, with a view, as it appeared to him, of benefitting by the irregularities which their own negligence permitted. He recollected being in the town of Hastings some time since, when, at mid-day, the town was absolutely blockaded, and a cargo of smuggled goods introduced.

Mr. *Herries* said, it was very unjust to make charges against the persons alluded to, as if they were the instigators of the very offences to which they were employed to put an end. He thought that there was not the slightest ground for the accusation that had been made against them. Instead of bringing up cases for trial here, they were anxious to have them settled before the magistrates of the county where they occurred. Much had been said about the profits made by the solicitor of the Customs; but, in the course of two years, he had given up 11,000*l*, in consequence of his having allowed cases to be decided before magistrates, which otherwise would have been brought into the Exchequer.

Sir *J. Newport* said, that nothing could be worse than the administration of the Excise laws in Ireland. Year after year, some alteration of the existing system had been promised: but the hope was still deferred.

The *Chancellor of the Exchequer* said, that the government were very anxious to carry into effect the recommendations of the revenue committee. Some of them had been attended to; but others could not be effected without a specific act of parliament.

Mr. *Curteis* bore testimony to the great leniency with which Excise prosecutions had, in many cases within his knowledge, been conducted.

Mr. *C. Thompson* contended, that it was impossible to put an end to smuggling, while the system of prohibitory duties held out such premiums to the smuggler.

Sir *C. Burrell* advised, that the discretion lodged in the solicitor of Excise should be controlled; for he believed, that so long as it remained in his power to bring actions at his pleasure, oppressive proceedings would take place.

Mr. *D. W. Harvey* complained, that he had been attacked in an unbecoming manner by the chancellor of the Exchequer. He would not, however, be deterred from doing his duty, by any chastisement which the right hon. gentleman, in his official dignity, might think proper to inflict upon him.

The *Chancellor of the Exchequer* observed, that the hon. gentleman appeared to be sore under the chastisement of which he complained. The hon. gentleman had, on his part, made a severe attack upon officers whose conduct had not deserved it. In repelling that attack, he was not aware that he had offended against any of the hon. gentleman's notions of what he was pleased to term his official dignity.

The motion was then agreed to.

Galway Election — Charge against the Marquis of Clanricarde.] Mr. *Chichester* suggested to the hon. member for Galway, the propriety of postponing the motion of which he had given notice for Thursday, until after the decision of the committee on the merits of the Galway Election Petition.

Mr. *R. Martin* said, his motion had nothing to do with the Election petition. If he had made good his charges against the marquis of Clanricarde at the bar of

that House, Mr. Lambert would still have the right of turning him (Mr. R. Martin) out of that House, if he could. His motion had no more to do with the Election petition than with the history of the Trojan war. No man who wished well to the noble peer whom he meant to charge with unconstitutional conduct would endeavour to get rid of the charge by a dilatory plea. On the contrary, he would rather dare the man who imputed foul misconduct to that noble peer to substantiate his accusations. Now, he would consent to be stigmatized as the vilest of accusers, if he did not make good his charges against his majesty's Under Secretary of State for Foreign Affairs, the marquis of Clanricarde.

Mr. *Chichester* begged to observe, that in recommending the hon. member to postpone his motion, he had acted entirely on his own discretion; and was not at all sure that his noble friend would approve of the course he had taken. He was perfectly satisfied that his noble friend would be fully able to meet any charge the hon. member might prefer against him.

Mr. *Wynn* strongly recommended the hon. member for Galway to withdraw his notice. The terms of the notice of motion were, "that it be referred to a committee, to inquire into the unconstitutional conduct of the marquis of Clanricarde, at the late election for Galway, he being then Under Secretary of State for Foreign Affairs." Now, how would it be possible to enter into such a discussion, without entering into the merits of the Election petition? Such a discussion could not but have the effect of biassing the minds of the members of the committee. He trusted, therefore, that the hon. member would postpone his motion, until after the decision of the committee. There was no precedent of a discussion involving the merits of an Election petition, pending the investigations of a committee.

Mr. *R. Martin* recommended the right hon. President of the Board of Control to look over the precedents, and he was sure he would find that there was no reason whatever for resisting the discussion on Thursday. He maintained that the discussion would not have the effect of prejudicing the minds of the committee. He pledged himself to prove, that the marquis of Clanricarde went into the county of Galway [order, order!].

Mr. *Hobhouse* recommended the hon. member to withdraw his notice, for the motion must of necessity lead to a discussion of the merits of the Election petition. If, indeed, the hon. member could shew that the object of his motion would be defeated by delay, that might be a ground for bringing it forward on Thursday.

Mr. *Lyttleton* concurred in the recommendation. The ballot for the Galway Election committee would take place on Tuesday, and the bringing forward of such a motion as that of which the hon. member had given notice for Thursday, would be a most unconstitutional and improper proceeding, which the House ought to discourage.

The *Speaker* said, it was of course competent to any member to fix the day on which he would bring forward any motion; but if the subject-matter of the hon. member's motion comprised anything which could be inquired into by the Election committee, the motion could not be entertained by the House, still less could the House enter into any discussion of it. The hon. member knew best what the precise nature of his motion was; but it would be necessary for him to satisfy the House, that it did not involve any subject which could be inquired into by the Election committee.

Mr. *R. Martin* declared himself willing, at all times, to bow with deference to the Chair; but, as the subject of his motion could not, by any possibility, be inquired into by the committee, he must decline complying with the hon. member's request.

HOUSE OF COMMONS.

Wednesday, March 14.

Hackney-Coaches and Cabriolets.] Mr. *Hume* rose to move for a return of the number of Hackney-coach and Cabriolet Licences granted to the present period. The hon. member complained of the monopoly which was practised under the present system of granting licences, which he contended were reserved for the favourites of the hackney-coach commissioners, to the complete exclusion of industrious and deserving men. An instance, he said, was known of one person, a wine-merchant, who was the owner of eighteen or twenty cabriolets, each of which he was in the habit of letting out for 24*s.* or 25*s.* a day, giving him an enormous profit, which might be much more beneficially divided between a number of

poor men. The gross sum collected last year by the commissioners of hackney-coaches amounted to 69,000*l.*, and the expense of collecting the revenue was 12,000*l.* per ann. In the year 1797, a committee was appointed to take into consideration the state of this department; and they reported, that the whole of the duty of collecting the revenue, and granting licences, might be transferred with advantage, to the Stamp-office; a measure, which the report recommended. Why that recommendation was not followed, he did not know; but he conceived it would be a very great improvement of the present system of granting licences, if that duty was transferred to the police magistrates, who would have a judicial control over the parties applying for licences, and who would be less likely to be influenced by feelings of partiality. This would be attended with a considerable saving. He meant to move, at a future period, for a committee to consider the propriety of abolishing the Hackney-coach-office altogether.

Mr. *Maberly* concurred in the view which his hon. friend had taken of the subject. He regretted that the chancellor of the Exchequer was not present, as he was convinced that a saving of at least 10,000*l.* a year would be the effect of acceding to the motion of his hon. friend.

The motion was agreed to.

HOUSE OF COMMONS.
Thursday, March 15.

COUNTY ELECTIONS—MODE OF TAKING THE POLL.] Lord *Althorp* rose, in pursuance of notice, to move for the appointment of a select committee to consider the mode of taking the Poll at County Elections. The subject was one of great importance. The enormous expense frequently attendant on county elections was a grievance which required the intervention of the legislature. It appeared to him, that the best time for bringing forward a question of this kind, tending to produce a material alteration in the law of elections, must be at as early a period as possible after the meeting of a new parliament; because, among other reasons, opportunities would be thereby given, before the occurrence of a general election, to try, by experiment, the merits of the alteration. Not only was the expense frequently attendant on a county election a great grievance, but no man who was returned after a contested election for a county could feel secure of his seat; for it was impossible that any man who had to conduct a contested election for a county, could do so without violating what was called the Treating act. It was quite impossible that freeholders residing at a distance from the place of election could be expected to repair thither without some succour. He was aware that some committees of that House had decided, that such a practice was no infringement of the law; but every body knew that other committees had decided differently. In one of the Middlesex elections Mr. Mainwaring lost his seat, because he had provided meat and drink for the voters in his interest. Although it was proved that the provision was not an extravagant one, yet the House decided that Mr. Mainwaring had been guilty of infringing the Treating act, and he lost his election accordingly. It ought to be recollected that it was not merely the losing candidate who might petition the House under such circumstances; as it generally happened that he participated in the violation of the law, he could scarcely himself object to the violation by another; but it was in the power of any freeholder, from vexatious motives, to take such a proceeding. Such was the case in the election for Norfolk in 1806, between Mr. Coke and Mr. Windham. This consideration, added to that of the expense, deterred many persons, otherwise well qualified, from coming forward, and offering themselves as candidates for counties. The freeholders were thus prevented from having a full choice. For instance, although at the last general election for the county of York, the candidates never went to the poll, the expenses were so enormous, that it cost the gentlemen elected an expense, among them, of not less than from a hundred and twenty to a hundred and fifty-thousand pounds. If the election had been carried on for fifteen days, half a million of money would not have covered the expense attendant upon it. It had been said, that the members for counties should be men of high rank and large property. No doubt. But from the experience which they had all had of county elections no one could suppose that the great body of the freeholders of a county would choose any man for their representative, unless he possessed rank and property which entitled him to

that distinction. But why should that principle be carried to so enormous an extent, as to render it impracticable for any man to stand, for the county of York for instance, unless he was prepared to spend 100,000*l.*? The effect was, that the freeholders of Yorkshire were deprived of a choice. Of course it could not be supposed that he meant any thing offensive to his noble friend (lord Milton), or his noble friend's colleagues; but it was well known that at the last election for Yorkshire, a gentleman, who, at the nomination, had a large show of hands in his favour, and yet who, although possessed of large property, and he believed a highly respectable man, felt it prudent to decline offering himself. In proportion, too, to the largeness of a county was the choice of the freeholders limited; because in proportion to the largeness of a county was the expense of an election. He thought therefore, that he had shown sufficient grounds for the appointment of a committee of inquiry, to see if some remedy could not be devised for the evil. He was aware, however, that it was incumbent on him to state his own ideas of what would be the proper mode of proceeding. He proposed, then, that the poll should be taken in different parts of the county. This was by no means a new suggestion. On a reference to the Journals, it would be found that in the year 1774, the House agreed to a resolution "that in some counties, by reason of their great extent, the freeholders could not come to the poll without a great expense; and therefore it was the opinion of the House, that the poll should be taken at such different places as might be appointed." It appeared, therefore, that the opinion of the House had been declared to be in favour of the principle of his proposition. In consequence of the resolution to which he had just adverted, a bill had been brought in, read a first and second time, and committed. What became of it afterwards he did not know; but he supposed that it was lost, in consequence of some difficulty in the details. He was aware that that difficulty must exist to a great degree. If he had not been aware of that; if he had made up his mind as to the details of the proposed measure, it would have been his duty to have moved for leave to bring in a bill, instead of for the appointment of a committee. But he should move for the appointment of a committee, in the hope that, if the House thought it desirable to take the poll in separate districts, in the committee the difficulty of the details might be got over. This was a hope which he very confidently entertained; for, when a committee of that House applied themselves seriously to obviate difficulty in the details of any measure, they almost always succeeded. But, at the same time, he did not wish the House to grant a committee, unless it agreed to the principle of taking the poll in different parts of the county; because otherwise the labours of the committee would be mere loss of time. One objection which had frequently been made to the principle of his proposition was, that it tended to destroy that kind of feeling of warmth and interest, which it was desirable to preserve among the freeholders at an election. He thought, however, that that objection might be obviated by the attendance of the freeholders at the place and time of nomination, and also at the chairing at the end of the election. He readily admitted that it was not undesirable to keep up the feeling of the electors throughout the whole poll; but the enormous expense of the present system prevented them from giving their votes, unless the candidate laid out a sum of money which no man should be called upon to expend. This was, therefore, a counterbalancing consideration. There were two modes in which, as it appeared to him, the object might be effected. The one was by having officers inferior to the sheriff, appointed to receive the votes in the various districts; the other was, by instructing the sheriff to make the circuit of the county to collect the votes. He was not prepared to say to which of these modes of effecting the object there would be fewer objections in detail; but either of them would be a great improvement on the present system. He would not trouble the House further. He had stated the grievance, and the expediency of some remedy. If he were allowed the committee, he was satisfied that the difficulty of the details would be got over. The noble lord concluded by moving, "That a Select Committee be appointed, to take into consideration the mode of taking the poll at county elections, and to report to the House whether any means can be taken to diminish the expenses incurred by candidates at such elections."

Mr. *Batley*, from the hinder ministerial benches supported the noble lord's pro-

position, and wished it to be extended to city and borough elections.

Mr. *W. Smith* said, he concurred in the observation made by the hon. member, and fully agreed with him that the evil which the noble lord's proposition was intended to meet, existed as forcibly in city and borough elections as in elections for counties. He thought, however, that the abuse, as far as it related to cities or to boroughs, was capable of being altered much more easily than by the method proposed. The poll, he thought, was kept open much longer than was necessary, and by closing it at a proper period, and by some few regulations with respect to out-voters, the evil complained of would be got rid of in city and borough elections. He had the honour to represent a populous city, the voters of which amounted to not less than four thousand; yet the poll was always over, to every intent and purpose of ascertaining the election, in one day. This was effected without difficulty, by means of arrangements which were made a considerable time ago, and upon which no man whatever attempted to infringe. The election always commenced at nine in the morning, and by seven or eight that same day, it was decided. Knowing, by experience, that this could be done with the utmost simplicity, and that when once established, the advantage was acknowledged to be so great, that all parties concurred in it to the extent that no man wished to oppose it, he did not see why the same arrangement could not be made in other cities. If the principle could be applied to county elections, he trusted that the committee for which the noble lord had moved, would be able to devise some means to check the evil complained of.

Colonel *Maberly* said, that the hon. member for Norwich had stated, that he represented a city containing four thousand voters, and that, nevertheless, the poll was always concluded in one day. Now he was in the unfortunate situation of representing a town in which there were not half that number of voters, and he never recollected an election in which the poll was concluded in less than eight or nine days; and, in one instance, it had been kept open for fourteen. Every gentleman who represented a popular borough would be obliged to the noble lord if he would make his motion include boroughs as well as counties.

The *Chancellor of the Exchequer* said, it was by no means his wish to oppose his noble friend's proposition; and he did not think that an insuperable objection existed to assimilating elections for boroughs to those for counties. He did not feel any great anxiety to effect the change for which the noble lord and many honourable members appeared so desirous; but he was not prepared to state any objection to the measure before the House. He was against taking the poll in different parts of a county at the same time. He thought it was of great advantage that the candidates at an election should be badgered a certain number of days by the electors. Now, if the poll were to be taken in different places at the same time, the candidate would be deprived of the opportunity of answering the questions of the freeholders in those parts where he could not be personally present, and such an arrangement would tend to separate the candidate from that intercourse which ought to subsist between him and his constituents. It was most desirable that his intercourse should be preserved; and, although it might, perhaps, in some instances, occasion perplexities to the candidate, yet that inconvenience was amply repaid by the honour of the seat, if he obtained it, or if he failed, by the glory of having honourably contested it. He should not like to see the candidate removed from the liability to answer the questions of his constituents. However, he had no objection to the appointment of a committee.

Lord *Milton* said, that those gentlemen who wished to engraft upon the measure any further inquiries into borough elections, would not attain their object, but rather defeat the beneficial proposition before the House. He had always observed, that when questions were brought before that House, unconnected with borough elections, gentlemen were particularly desirous to confine them to the single object proposed. With reference to what had fallen from the chancellor of the Exchequer, he entirely agreed with him about badgering candidates. It had a very desirable effect; but he was by no means certain that the benefit would be lost by the noble lord's proposition of taking votes at different places at the same time. In the county which he represented, it was the practice of the candidates to visit the great towns, and there show themselves before the electors. He should be sorry

to see the practice done away with, as it brought each candidate fairly before his electors. But at the poll, it was not until the latter end of the day that a candidate made his appearance before any great body of the people. But were it otherwise, he rather apprehended that such assemblies consisted principally of persons who were not electors, or who had previously decided for whom they came to vote. These were not the description of persons, before whom it could possibly be advantageous to bring any candidate. What, moreover, was the scrutiny into a candidate's pretension which such an assembly could institute. It appeared to him, that any benefit of exposing representatives to the inquiry of their constituents must be derived from those interviews before the electors to which he had alluded. In smaller counties, perhaps, the case might be different. In large counties, no man came to the county town without having previously made up his mind as to his vote. He was of opinion, that great benefit would accrue from the adoption of a new system. He had himself, some years back, brought in a bill to a certain extent analogous to the measure now contemplated; namely; a bill for taking the poll in the three ridings of the county of York at once. He believed that at present, in the county of Hampshire, the principle was acted upon, and that when the poll, for what might be called the mainland, was concluded, that for the Isle of Wight commenced. He was not sure whether the proposed measure could be adopted beneficially in the smaller counties; but with the exception of four or five of the counties of England, he was satisfied that it would be generally advantageous.

Sir *J. Wrottesley* said, that there were two points of extreme importance. The first, the time during which the poll was to be taken; and the other, whether the poll should be adjourned from one district to another, or be proceeded with in various hundreds, at the same time. He thought if the measure should be found practicable at all (which, however, he doubted), it would be better that the poll should be taken first in one hundred, and that the sheriff should then proceed to others, leaving proper persons to take the votes which might come in after his departure. But it would also be material to determine where the poll was to be taken first, as the knowledge of a majority in favour of a particular candidate in one hundred, might affect the votes in another. He would vote for the committee without pledging himself to any particular line of conduct when the report should be received.

Mr. *Dickinson* supported the motion; which he thought would be productive of much good. He considered the Treating act a subject of great importance, to which it would be right to direct the attention of the committee.

Mr. *Wynn* said, he felt much indebted to the noble lord, for the attempt he was making to remedy an evil, the existence of which had been pretty generally experienced: and thought the principle of the measure, and the effort towards removing an existing difficulty, highly deserving the support of the House. It was with a view to further the proposed measure, and not for the purpose of interposing any obstacle in the way of its future adoption, that he should take the liberty to advert to some details, the particulars of which had been alluded to, in the course of the discussion. Allusion had been made to the present state of what was termed the Treating act; and it was said, that the provisions of that statute were deserving the attention of the House. Now, he did not mean to deny that the act might be well worthy of consideration; but he thought this was not the time for entering into a discussion on that subject; the rather, as it might be impossible to enter into it without interfering, more or less, with various of the Irish county elections, which were, or might hereafter become, subjects of inquiry before a committee. They should not say what was, or what was not, the sense of the Treating act, or enter into a consideration of the alterations in it, which might, perhaps, subsequently appear to be necessary, until the cases which came before the House, under the provisions of the existing law, had been first decided. He approved of the noble lord's intention, to confine the inquiries of the committee, in the first instance, to the best mode of taking county polls, because he had invariably remarked, that intrusting too many subjects to one committee, was the surest way to defeat all. Prior to the act of 1784, the law of election was very different from what it now was. That act had been passed in consequence of the Westminster election having been spun out to forty days; and, under its provi-

sions, in future elections, the period of polling was limited to fifteen days. It had been conceived, that any election might be put an end to within that period. But a practice had arisen of keeping open the poll for the fifteen days, if voters could be got to come forward at the rate of one in an hour; this was done at a great expense, and to the infinite vexation of the candidate who had a most decided majority, and which it was known could not be disturbed with any final effect upon the election. This was a very injurious and reprehensible practice. In the county of Essex, on one occasion, five thousand voters had polled on the same day. The assessment on land formed another and unnecessary delay in county elections. It was made a criterion of votes, which became every day more false and troublesome. In the redemption of the land-tax, and transfer of the property on which such tax had been redeemed, much of the difficulty existed. The sheriff had to decide the question, though he could not subpœna witnesses, and had not the least shadow of power to make the proper inquiries, or to ascertain the facts upon which his reception or rejection of the votes was to depend. The getting rid of this would be a very great improvement in the mode of conducting county elections. He wished not only to get rid of the practice of requiring proof of the assessment of land-tax, but of any other species of tax. He had an impression, that it would be better that the poll, if carried on in different parts of a county, should be carried on contemporaneously, than at different times. But he felt that this was a question which required the experience of those who were more versed in county politics than it was his fortune to be, although he had had the honour to represent a county for many years.

Sir *T. Lethbridge* thought the House and the country under considerable obligations to the noble lord, for the manner in which he had brought forward his proposition. He, as the House well knew, had been pretty well badgered, but did not shrink from it. He did not think the badgering would be got rid of by the proposition of the noble lord. There would still be the nomination, on which occasion the freeholders would have an opportunity of examining the candidates. The proposition of the noble lord went to open a wider door [illegible] more numerous county candidates, in the same proportion as the expense of a contest would be diminished. In this view of the case, it was one of great importance. He trusted that the committee would make a report, which would lead to a great practical improvement in the mode of conducting county elections.

Lord *Nugent* was glad that his noble friend had confined his attention, and limited the object which he sought to accomplish, to an improvement in the conduct of county elections. Such a course was the more desirable, as it afforded a greater chance of success to his noble friend, who, no doubt, would have enough to do to carry his proposed measure into effect. If any attempt was made to extend the system to city elections, with a view to limiting the expense, the proposal would be met *in limine* by an obstacle of considerable moment. One great difficulty would be, to ascertain the number of non-resident freemen. Shortly before the recess, he had himself given notice of a motion, for returns of the members of non-resident freemen, who were qualified to vote at elections for cities; and he still thought it would not be so difficult to make out such returns as had been represented. It was his intention to revive his motion on the subject, with a view, perhaps, to a registration of their names and numbers. In Ireland, a registration took place, by which the creation of freemen during elections was prevented—an object, as the House must perceive, of primary utility.

Lord *Lowther* said, he had had his share of contested elections. He thought, if the noble lord's proposition was calculated to diminish expense in one way it would have the effect of increasing it in another. When the poll was taken at different places, barristers and agents must be employed by the candidates at each; so that what might be saved in one way, would be lost in another. His right hon. friend had made some remarks relative to the land-tax, in which he could not concur with him; seeing that all his experience on the subject led him to conclude, that proofs relative to the redemption of the land-tax were easily produced.

Sir *W. W. Wynn* was of opinion, that the difficulties at present attendant on a legal proof of the redemption of the land-tax were such as to prevent numbers of qualified voters from coming to the poll.

Mr. *C. N. Pallmer* congratulated the House upon the auspicious spirit which had manifested itself in this first session of a new parliament. Many beneficial measures had been originated, and the one now under consideration he looked upon as tending to promote most usefully the unrestricted exercise of the elective franchise. He entirely concurred with the right hon. gentleman, that nothing could be more unsatisfactory than the present system of the land-tax; and he hoped that something would be done for its amendment. It was highly desirable that the expense of elections should be diminished, and that the elector should be able to give his vote unbiassed, and free from the influence of any pecuniary consideration. The expenses of contested elections, as they were at present conducted, were calculated for no other purpose than that of giving to wealth alone a preponderance, which was by no means desirable.

Lord *Althorp* said, he felt bound to acknowledge the kind manner in which his proposition had been received by the House. It had been his object, not to overload his plan with an attempt to comprehend within its provisions, any regulation relative to cities or boroughs. Indeed, the details of it were, for the most part, inapplicable to such places. His system would not apply to the out-voters in cities. His object was, to throw the counties open to a greater number of candidates, by diminishing the expense consequent upon congregating voters together in one place, during a protracted poll. The effect of the present mode of conducting elections was, to prevent many persons from standing, who would otherwise become candidates. Every day, the redemption of the land-tax was becoming a criterion less to be relied on at elections. A registration of voters would be desirable; not such as that adopted in Ireland, where the electors were allowed to register their own votes, but some mode similar to that by which the lists of persons qualified to serve as jurors were made out in this country. The increased expense likely to be occasioned by the employment of additional agents, would not be so great as some hon. members seemed to suppose; certainly not great enough to counterbalance the saving in other respects. It was well known that agents were at present employed in the various places where voters resided, for the purpose of canvassing them for the respective candidates; so that no additional expense worth speaking of would be occasioned by retaining these agents during the polls at each place. The expense connected with the carriage of voters to the place of election, and their maintenance there, was that part of the candidates' disbursements which was the most considerable. These items, he was informed, constituted three-fourths of the expense of the Yorkshire election.

The motion was agreed to, and a committee appointed.

LEICESTER ELECTION—CONDUCT OF THE CORPORATION.] Mr. *Sykes*, in rising to bring forward the motion of which he had given notice, begged to disclaim all feelings of hostility either towards the sitting members for Leicester, or towards the individual members of the Corporation of that Borough. His only object was to call the attention of the House to a subject of considerable importance, as it regarded the freedom of election. The charges which he intended that night to bring forward were already in the hands of the two members for the borough, who were not, therefore, taken by surprise on this occasion. These charges, too, were stated upon no idle rumour, but had been well ascertained, and were now ready to be substantiated by several respectable persons in the borough. The charges were, first, that the Corporation had made an undue exercise of the power they possessed—if, indeed, they possessed any such power—of creating honorary freemen, to such an extent, as to overpower the voice of the other freemen of the borough. They were charged also with having misapplied the funds of the Corporation for election purposes, in having improperly taken those funds and devoted them to the payment of those fees which were due on the admission of honorary freemen, and which they had discharged on the admission of those freemen who were considered to be in their interest. They were further charged—and if the House granted him a Committee he had no doubt he should be able to make out the charge—that the Corporation had borne a very large proportion of the expenses of the election. They were besides charged with having resorted to a compulsory mode of polling: making the electors poll in such a manner as to be most favourable to their own interests. There were several modes of poll-

ing, but one was generally preferred in a particular place, on account of local peculiarities. Now there was one principle, regarding the mode of polling, which, he thought, ought to be universally acted upon. That principle was, that the convenience of the different candidates should be equally consulted, and that nothing should be done which would give any one candidate a manifest advantage over his opponents. If a particular mode of polling had long existed, and any change of that mode was proposed, if all the parties agreed to it, the change might be made; but if they did not give their consent, then, he maintained, that such a change was illegal.

He would now proceed to give the House some sketch of the history of the Borough of Leicester. The Corporation was composed of a mayor, a certain number of aldermen, a bailiff, forty-eight common-councilmen, and the freemen of the borough. The right of election was vested, not only in these persons, but also in the inhabitant householders of the town. By these means was formed a body which all would agree was fit for the exercise of the elective franchise. Besides these inhabitant householders, the Corporation possessed or claimed the power of making honorary freemen. The charge now made against them was, that by the exercise of that power, they had reduced the large town of Leicester to the state of a rotten borough. It had formerly been the custom in Leicester for a sort of compromise to be made between the Corporation and the inhabitants, by which one member was returned by the former and one by the latter.

Such was the situation of the borough of Leicester. Some time before the last election, the resident householders amounted to five thousand; a number which no person would deny was not sufficient to constitute an elective body. There was certainly no positive necessity for increasing their number, except that which could be found in the object of the Corporation to get the election of the members into their own hands. That being the scheme of the Corporation, it appeared that, in the latter part of the year 1822, the Corporation determined to draw the whole influence of the elective franchise into their own grasp. He said "determined," because, from what they had done, it was evident that their object was, by increasing the number of freemen, to overpower the votes of the resident householders. When he stated that such was their view, he made that statement neither from any inference from, nor from any argument founded upon, their acts, but because he had that view and that object acknowledged in a document given under their own hands. When he read that document to the House, he thought they would be shocked at the open avowal of the real intentions of the Corporation. At the close of the year 1822, those persons actually made a voluntary offer of the freedom of the Corporation to no less than two thousand persons. That fact spoke for itself; and spoke too forcibly to need any comment. The object of the act was manifested by the occasion on which the offer was made. It was expected that a general election was not far distant, and the time was chosen in such a manner, that the measure might not appear to have been adopted merely for election purposes. The selection of the time, however, was not a sufficient cloak for their real intentions, which could be clearly shown by proof still more strong than that which was to be found in the act itself. This proof consisted of two letters. He held in his hand a copy of the letter which had been addressed by the Corporation to the gentlemen who were solicited to become members of it. That was an honour which was generally courted at the hands of Corporations; but in the present instance the gentlemen had been courted by the Corporation, who had their own reasons for what they did. The first letter was dated "Leicester, December 31, 1822." It began by informing the gentleman to whom it was addressed, that the Corporation of Leicester had unanimously elected him an honorary freeman of their borough. It then went on to say, that the Corporation were anxious to increase the number of freemen, by the admission of gentlemen of known principles. Now, he would ask, whether that expression did not clearly shew the object and intention of the Corporation? The letter then went on to request, that the gentleman thus elected would do them the favour to take up his freedom, at the earliest period that would suit his convenience; and it stated, that the Corporation would pay all the fees and charges incurred by his doing so, except a certain sum specially mentioned, which was small in its amount, and which, they trusted, the newly-elected freeman would consider a

sacrifice that he was willing to submit to in support of the cause.

The latter part of the letter, he contended, was nothing less than a fraudulent application of the public money, in order to obtain a number of sham-freemen, who should vote in favour of the Corporation candidate, and should overpower the real electors of the Borough. Among the honorary freemen thus elected, were one hundred and four clergymen, several noblemen's sons, and others connected with noblemen; but no noblemen were in the list, as their votes would not have been receivable, and their election could therefore serve no possible purpose. Upon the invitations thus given, eight hundred persons actually took up their freedom; and, on the last election, the two gentlemen who were favoured by the Corporation, were, as it might have been expected, returned. The old members retired from the contest, as the Corporation, in breach of the former custom of the Borough, insisted upon returning two members on their own interest. The two gentlemen who came forward to supply the places of the former members were Mr. Evans and Mr. Otway Cave. The Corporation did not entirely approve of either of them, and thinking that they possessed a sufficient force to obtain victory, they determined on a contest. With their eight hundred new freemen at their command, they relied upon a triumph, and they therefore looked out for a third candidate who would be more likely to suit their own views. He ought to observe here, that this creation of honorary freemen not only tended to influence the election according to the wishes of the Corporation, but also to increase the expense in such a manner as to deter independent candidates from coming forward. The result of the election proved that this had been the fact; for, in consequence of the increased number of out-voters, although he believed there had been no material transgression of the provisions of the Durham Treating act, the expenses of the three candidates had not amounted to less than 50,000*l*. That enormous expense might fairly be said to be owing to the conduct of the Corporation. He had said that the Corporation went to look out for a third candidate, and at last they found one in the person of sir Charles Abney Hastings, one of the present members. He now came to another part of their conduct, which, he thought, loudly called for inquiry. The mayor and bailiff being the returning officers, another circular letter was sent by the Corporation, of which they were the chief members, to all the newly-created freemen who had been admitted, merely for election purposes, to their freedom, without the payment of the customary fees. The letter stated, that the writer of it was directed by the Corporation to take the liberty of addressing the honorary freemen, for the purpose of representing to them the state of affairs with respect to the Borough of Leicester. It then went on to recommend sir Charles Abney Hastings, who was described in the True Blue interest as a decided supporter of king and constitution in church and state, and as strongly opposed to what some called Catholic Emancipation, but what they (the Corporation) called the Popish Ascendancy; that that gentleman was directly opposed by Mr. Evans, who came forward on the low Radical interest; who pretended great liberality of opinion, and was a friend to reform, and some other of the liberal doctrines of the day. The third candidate was stated in the letter to be Mr. Otway Cave, a gentleman whose family had been staunch Blues, but who had not made up his mind upon the question of Catholic Emancipation; who, though not quite of the true colour himself, was an admirer more of the old lights than of the new, and was certainly more blue than Mr. Evans. That letter was signed, as the other had been, by a Mr. Burbidge, who was an officer under the Corporation. He had read that letter, with the view of shewing that what the Corporation had corruptly designed, they had as corruptly endeavoured to execute. That fact, however, would be proved by other parts of their conduct. In consequence of an agreement which they made to pay a sum of money, they were compelled to borrow certain sums of money on the bonds of individual members of the Corporation, who were to be reimbursed out of the funds of the Corporation any money they might be called on to pay.

He had now detailed some of the charges against the Corporation, and the facts on which those charges were grounded; and he thought he had succeeded in making out a case of crimination, into which he trusted the House would give him the power of making the fullest inquiries. In requiring this at their hands,

he was not acting without a precedent, which was to be found in the committee granted to inquire into the circumstances of the Northampton election, where it was alleged, that the Corporation had attempted improperly to interfere in the choice of members for the borough. He had before referred to the mode of taking votes; and he contended, with the utmost confidence, that the returning officers had no right to impose conditions upon the candidate as to the manner of polling, and that they were not justified in requiring the voters to be polled by tallies, or by pens, when such a mode of polling was evidently attended with great advantage to one candidate, and a corresponding injury to another. If any new plan was proposed, it ought not to be adopted unless it was concurred in by all the candidates, and the poll should be equally open to one voter as to another. Now, in the present instance, that which he contended ought to be the rule had been departed from, and he thought the conduct of the Corporation upon that point was part and parcel of the self-same conspiracy by which the Corporation had sought to monopolize the power of electing members for the borough. Previously to the election there had been some disputes as to the mode of taking the poll, and the friends of Mr. Evans had had a conversation upon that subject with their opponent. They were then assured, that there was no intention of taking the votes by tallies, or in any other way that would be injurious to Mr. Evans's interest. A few days afterwards, however, when the persons interested for the Corporation shewed those gentlemen the plan intended to be adopted, it appeared that the voters were to be polled in three distinct pens, one of which was to be assigned to each candidate. As soon as these gentlemen were informed of the plan, they remonstrated against it, and that remonstrance was adopted and signed by several respectable inhabitants; who declared they would not accede to any such mode of taking the votes, and expressed a hope that the polling would be entirely free. But, notwithstanding all the arguments which could be addressed to the good sense or impartiality of the Corporation, they were determined that the polling should be taken by pens. Accordingly, pens were assigned to sir Charles Hastings and Mr. Cave, immediately adjoining each other, and a third was given to Mr. Evans. The consequence of this arrangement, and of the support given by the Corporation to the two former gentlemen, was, that their voters polled to double the number of those of Mr. Evans; for each voter for the Corporation giving two votes at once, the first to sir Charles Hastings and the other to Mr. Cave, and their votes being thus exchanged, the result was, that when sixty persons had voted, forty of those votes had been given for sir Charles Hastings and Mr. Cave, and only twenty for Mr. Evans. Now, he would venture to assert, that there was no gentleman, who was at all acquainted with the nature of the proceedings at county elections, who would deny the unfairness of such a system with respect to its operation upon Mr. Evans. Such gentleman must be aware, that there was always a number of voters who, not liking to be of the losing party, staid behind till they saw the probable issue of a contest, and who then came forward to give their votes to the strongest candidate. The consequence of this plan of the Corporation was such as might have been anticipated. The whole thing was illegal, and, in its operation upon Mr. Evans very unjust. The only way to get rid of the consequence of such a plan appeared to be by putting a new candidate in nomination, and in fact another candidate was set up. Mr. Denman was proposed, and it was intended that the independent votes should be divided between him and Mr. Evans, in the same manner as the Corporation votes were divided between sir Charles Hastings and Mr. Cave. But the mischief was already done; and the time for remedying it was gone by. Besides, the Corporation afforded a new obstacle; for when Mr. Denman was put forward, and a pen was demanded for him; it was refused; and the notable reason given for the refusal was, that as his name had not been put forward in the early part of the contest, the returning officer was not bound to assign him a pen for his voters. Now, these proceedings appeared to him to be wholly unjustifiable, and he trusted the House would not suffer them to pass without parliamentary notice and animadversion. It was impossible that the petitioners could proceed in any other kind of way, than by this application to the House. The process in the courts of law, it had been said, was immortal; and in

the court of equity, it was needless to say, that the proceedings were equally immortal; indeed, it was said that the lord chancellor himself was nearly immortal [a laugh]. In point of fact, the petitioners had no other remedy than by an application to that House, and the case was a very aggravated one, and resembled one relating to the Corporation of Durham, mentioned in Smollett's History. He would conclude, therefore, by moving, "That a Select Committee be appointed to take into consideration the allegations of the Petition of the Electors of the Borough of Leicester, and to report their observations thereupon to the House." The House, he trusted, would inquire strictly into this mode of manufacturing votes; and he hoped that some remedy would be suggested against the misapplication of Corporation funds, and recommended to the consideration of the Committee, the act of the 3rd of George 3rd relative to the Corporation of Durham.

Mr. *Wynn* said, he came to the consideration of this question with a mind perfectly unbiassed, not having heard one word of the circumstances, except what he had read in the petition, therefore not knowing how far they were denied; but he must say he was not at all inclined to adopt the course pointed out by the motion of the hon. member, because he thought, that, even taking the facts stated in the petition to be proved, nothing illegal had been done by the Corporation of Leicester. He did not wish to give any opinion as to whether or not the mode of polling was regular; because, if it were not the regular mode, that would be a sufficient ground for a petition to be referred to an election committee. If the city officer had persevered in his refusal to admit freemen to vote for Mr. Denman, upon the ground that he had not been proposed three days before, that would be a question upon which an election committee would decide; and he had no doubt that if that refusal had been persevered in, the committee would say, "Here is a candidate who comes forward in the usual way, and the legal voters who tended their votes for him have been rejected, and therefore, this election is void." He could not see any one illegal act charged against the Corporation; but, taking for granted that the acts were illegal, the question was one for an election committee, or it might be made the subject of an application to the court of King's-bench, for a criminal information against the Corporation for having abused their powers. What were the charges against the Corporation? It was stated in the petition, that the right of voting was in the mayor, aldermen, common-council, freemen, and householders paying taxes; but it was urged as a ground of complaint, that the Corporation had created a large number of non-resident freemen, for the purpose of voting at the election. If the Corporation had done so to any great and inconvenient extent, that circumstance might probably be a sufficient ground for bringing in a bill to limit the powers of Corporations to make out-voters; but, as there could be no doubt that the Corporation had, at present, a legal right to make out-voters, such a proceeding, on their part, could not be matter of investigation to a Select Committee. Would that House, in open violation of the first principles of justice, attempt to question the right of the Corporation of Leicester to do what was generally done by the Corporations throughout the kingdom? It was stated, that the Corporation had sent a circular letter to the freemen, expressing their wish that the freemen would elect a candidate of a certain way of thinking—a candidate whose political opinions coincided with those of the Corporation. Was there any thing illegal, unconstitutional, unfair, or unusual, in such a proceeding? Was it not, on the contrary, the general practice of electors, to look out for a candidate of their own way of thinking? It was next stated that the Corporation had remitted the fees payable by the out-voters. Was that any thing uncommon or extraordinary? Was it not the common practice of the different Corporations of the kingdom, when they conferred the freedom of their respective Corporations upon non-residents, to remit the fees? He did not know whether there was any hon. member present upon whom the Corporation of the city of London had conferred the honour of the freedom of that city, but, if any such member were present, he could state to the House what the practice of that Corporation was. Now, he could state, from his own knowledge, that in two instances in which he had been honoured with the freedom of boroughs, of which he was not a resident, he had no recollection of having paid any fees. The hon. member for

Hull had cited the Limerick case; but that was not applicable to the present. Upon that occasion, the House had thought fit to pass a bill for regulating the application of Corporation funds, which had been applied to election purposes; and the deficiency in the funds so applied, was made up by a rate upon the inhabitants. He must also say, that he could see nothing wrong in the conduct of the Corporation, in sending about the country for a candidate whose politics coincided with their own. It was further alleged, that the leading members of the Corporation had paid, or engaged to pay, the expenses of the election; and that the money for that purpose was raised upon the bonds of individuals. Was it to be said, that an elective body had no right to subscribe their own funds to defray the expenses of an election? Now, in the city of Westminster, which prided itself upon the purity of election, it was one of the leading principles laid down by the electors, that the members should be returned free of expense; and to such an extent was that principle carried, that a deputation of the Westminster committee had waited upon the hon. baronet opposite to repay him the sum of 2*s.* paid by him, as a fee upon taking the oaths at the table of that House. Surely, it could not be considered a criminal act on the part of the Corporation of Leicester, to do that which was considered highly meritorious and praiseworthy, when done by the electors of Westminster. But the petition further stated, that those individuals were to be indemnified out of the funds of the Corporation, "as the petitioners believe." If this indemnity were given, that might form a ground of inquiry; but the petitioners did not state that fact positively: all they stated was, "if the House of Commons will institute an inquiry, we shall probably be able to find out that such is the fact." He objected to granting any such inquisitorial power, upon so slight an allegation. With respect to the letter, said to be written by the town clerk, stating the different shades of blue and green, and the persons whom the Corporation wished to support, he must say, that he saw no ground for imputing to this Corporation as a crime, the doing of that which the numerous corporations in the kingdom were in the constant habit of doing. The hon. member had cited the Durham act; but that act, which regulated the period of voting by honorary freemen, did not apply to the charges preferred against the Corporation of Leicester. If it did apply, it would form a ground of application to an election committee; but it formed no ground for bringing the Corporation as criminals before that House. The hon. member had not stated his object in making this motion; and he wished the hon. member would state, whether it was his intention, if this motion should be agreed to, to ground upon it a general measure, or only a particular measure, directed against this Corporation. If the charges stated in the petition were true, they might form a ground for inquiry before an election committee; but there could not be any ground for a special inquiry; and he, therefore, trusted the House would negative the motion.

Sir *C. A. Hastings* said, he had hoped that the hon. member would, upon reading the petition, have withdrawn the motion made upon such slight grounds as those stated in the petition, which contained imputations upon as honest, as respectable, and as independent a body of electors, as any in the kingdom. The petitioners did not go so far as to say that they would prove, or even endeavour to prove, any of their charges; but they merely said that they suspected this, that they believed that, and that they apprehended the other. If the House, upon allegations of suspicion and belief, were to call upon a respectable body to answer charges, they would be opening a door which would lead to much mischief and inconvenience; because any private individual, having a pique against a corporation, might bring them before that House, at a considerable expense, to answer charges which had no other foundation than his suspicion and belief. If the corporation of Leicester, in supporting a member entertaining principles similar to their own, had been guilty of a crime, they had been guilty of a crime of which every corporation in England had, at one time or another, been guilty. Another charge was, that the corporation had assisted the candidates with funds, to defray the expenses of the election. Now, he thought that he should have been one of the first persons made acquainted with that circumstance; but he must say, that it had never been stated to him, that any funds had been voted for that purpose. He admitted that, before the commence-

ment of the election, some friends of the candidates had come forward, and contributed towards the expenses incurred in canvassing, &c., and he had no doubt that they had an unquestionable right so to apply their private funds; but of any other subscription he knew nothing. He agreed with the hon. member for Hull, that the contest was an expensive one, and he should at any time willingly travel from Leicester to Hull, if the hon. member would state in what way a contested election could be conducted without expense. With respect to the honorary freemen who had voted at the election, he would say, that he was perfectly disinterested; because, if the number of honorary freemen who had voted for him were deducted, he should still have a decided majority. He could not help stating to the House one circumstance, which would shew the candour of the petitioners in complaining against the non-resident voters. Of the petitioners, not less than eighteen were honorary freemen of Nottingham; and at the last election for that borough, every one of those individuals exercised that right of voting, which they made the subject of complaint, when exercised by the honorary freemen of Leicester. The hon. baronet concluded, by expressing a hope, that the House would agree with him, that there were not in the petition sufficient grounds to warrant the appointment of a select committee.

Mr. *Otway Cave* admitted that there was an agreement between the committees of the several candidates to pay the expenses of the out-voters. Of the learned gentleman who had acted as assessor at that election, and who was suspected of having acted in a partial manner, he must say, that so anxious was that gentleman to avoid all appearance of partiality, that, in one or two instances, his decisions were against the party whom he was supposed to favour. He denied that the corporation had gone to hedges and highways to select honorary freemen. Those gentlemen were as respectable as any other voters of the borough.

Mr. Secretary *Peel* said, he could not suffer the House to come to a vote upon this motion, without expressing his earnest wish that the House would, by their vote, mark this course of proceeding with the signal reprobation that it deserved. If that House were to listen to motions of the kind, they would be preparing the way to supersede the operation of the Grenville act, and he believed that the object of the petition was to supersede that act, in the present instance. He believed that the parties, who had presented this petition, had taken a legal opinion, to ascertain whether or not they could prove a case, under the Grenville act, against the sitting members; and that, having received an answer in the negative, they had suffered the time limited by the Grenville act to pass by, in the hope that that House would grant a select committee, and thereby rid them from those liabilities, which they must have incurred, if they had brought their complaints before the regular and ordinary tribunal, in cases of this description. If the petitioners had proceeded under the Grenville act, they must have entered into recognizances: they must have defrayed the expenses of the opposing party, if the allegations in the petition should be deemed frivolous or vexatious: and, in any case, they must have borne the expenses of their own witnesses. It was, therefore, infinitely more convenient to the petitioners, after having obtained a legal opinion, that they could not make out a case for the ordinary tribunals, to come down to that House and ask them to step out of their way, and appoint a select committee, before which an inquiry might be taken at the public expense. Nothing, in his opinion, could be more unjust, more undignified, or more unconstitutional, than that that House should enter into an inquiry into the local politics which prevailed in borough and county elections. The hon. member had read letters, directed to the freemen of the borough, in order to secure a majority for a favourite candidate. Taking all the charges to be true, he put it to the House whether they could not make better use of their time, than by employing it in investigating, upon an election petition, the different shades of blue which distinguished the different interests in that borough. He thought that House could not occupy their time more uselessly, or in any manner which could tend more to lower their dignity, than by going into an inquiry to ascertain whether or not certain individuals in the borough of Leicester were Blues, or Indigo Blues, or Sky Blues. If any charge was to be preferred against the Corporation of Leicester, for the mode in which they had conferred the freedom of the Corporation upon non-residents, why was not that

charge preferred before an election committee? The hon. mover had said, that his hon. and learned friend, the Attorney-general would say that this case was a case for a court of equity, and that his hon. and learned friend, the Solicitor-general, would say that it was a case for a court of law. But neither of his hon. and learned friends had said any thing of the kind. And why? Because the case was not a case for any court at all: much less could it be expected that the time of the House could be wasted by entering into an inquiry upon such a trumpery case. The hon. member came down so unprepared with his motion, that the clerk of the House had to write it out at the table; but he must do the hon. member the justice to admit, that he had not come down to the House more unprepared with his motion than with his case. He said to the petitioners "If you complain of any offence, cognizable in a court of law, go to a court of law—if you complain of a matter which is cognizable in a court of equity only, go to a court of equity—if you complain of any violation of the election laws, go before an election committee—but do not ask the House of Commons to institute an inquiry into the different shades of Blue, which distinguish the parties in your Corporation." Some of the allegations in the petition were of the most frivolous description. One of them was, that "Sir C. A. Hastings was carried in procession to the Guildhall." Was it fitting that the House of Commons should institute an inquiry, for the purpose of ascertaining whether or not such was the fact? An inquiry into such an allegation was beneath the dignity of the House. When the petitioners complained of the conduct of the Corporation, in making out-voters, the House would bear in mind, that eighteen out of the sixty abhorrents of corporation corruption, who had signed this petition, had, after voting at Leicester, left the election unfinished, and actually scampered off to Nottingham, to exercise their right of voting as honorary freemen of that borough. If the petitioners, who had called into question the acts of the Corporation of Leicester, should obtain a select committee, that would establish a precedent for those who complained of the acts of the corporation of Nottingham; and to such an extent would applications of this kind spread, that, in a very short time, the time of the House would be occupied solely in investigating election squabbles. If the House thought that corporations had made an improper use of their power, in conferring the freedom of the respective boroughs upon non-residents, for election purposes, let such power be limited by law; but let not one corporation be selected, because some of its members were Blues, or Indigo Blues, or that description of Blues, of which the petitioners did not approve. The hon. member had said, that there was no precedent upon their Journals for appointing a select committee in a case of this kind. That there was no such precedent, did not in the least surprise him; but the hon. gentleman, having failed in finding any authority in the Journals, had recourse to the works of Dr. Smollett, and had at last found in Peregrine Pickle, or Roderick Random, [a laugh], a case in point. He took the whole charge of the hon. member to amount to this, and nothing more—that the hon. member did not approve of the politics of those gentlemen who had been returned for Leicester. Considering that some of those petitioners had acted at Nottingham in the manner which they complained of others for having acted at Leicester—considering that if motions of this kind were acceded to, it would prevent parties complaining from appealing to the tribunals constituted by that House in cases of this kind, and constituted because that House thought that such tribunals would be exempt from the influence of large majorities—and, considering, that it was beneath the dignity of that House to interfere with disputes arising out of local politics, he could not avoid expressing his sincere hope that the House would make a stand against such applications, and would, by a large majority, reject the motion for a select committee.

Sir *F. Burdett* said, he thought that his hon. friend, the member for Hull, had not been fairly dealt by. When he saw right hon. gentlemen having recourse to gross exaggerations—to palpable misrepresentations — attributing what had never been said, and what never could have been believed to have been said, it was quite evident that it was the last resource of those who felt that there was more in the case than they were able, in any other way, to answer. Every body who heard the right hon. gentleman—nay, the right hon. gentleman himself—well knew that the hon. member for Hull had never quoted

Peregrine Pickle, nor Roderick Random. Such trifling might amuse, but it could not satisfy; and he was surprised that the right hon. gentleman, for the sake of so poor a joke, could lay aside the candour for which he had recently obtained credit. A volume of Smollett's History was less cumbersome than a volume of the Journals; and Smollett was an historian in some credit. Therefore, unless the right hon. gentleman could establish, that Smollett had misquoted the Journals, the attempt at ridicule, because the same individual had written certain novels, recoiled upon itself. The right hon. gentleman might excite a laugh among his friends and adherents; but such a specimen of wit could only produce a smile rather of pity than satisfaction among those who were not connected with him in office or expectancy. Both the hon. members for Leicester had boasted of the respectability of their constituents; but surely it was unnecessary that they should vouch the fact; seeing that it would be taken for granted, that those who sent particular members to parliament would be declared by those members to be men of great judgment, and high virtue, both private and political. A right hon. gentleman had said, that the corporation of Leicester had done no more than the electors of Westminster, in paying the legal expenses of the election; but the charge of the hon. mover was, that the corporation had abused and misapplied the corporate funds, by employing them for the purposes of the election. If it had been merely stated, that individual gentlemen had subscribed their own money to forward a particular election, such a charge, so grossly absurd, could not be entertained for a moment. If this were decidedly stated, then there would be an end to the case. But he did not understand the fact to be so. And even if it appeared, on the first view, that the subscriptions were of this nature, still, in his opinion, it ought to be clearly proved before they refused inquiry; because the business might be done in so covert a manner — corruption having arrived at such a pitch in this country, especially in corporations, — as to prevent discovery, unless it were narrowly investigated. The petitioners complained of the excessive number of voters that had been created. "But," said the right hon. gentleman, "the corporation had a right to make them; and if they had not, why did not the petitioners proceed against them under the Grenville act?" What, however, was the real state of the case? The petitioners complained of the abuse of a legal power; and that could not be the subject of a prosecution under the Grenville act. Here was alleged the positive abuse of a legal power; and if that abuse had taken place, he contended, that the House was imperiously called on to institute an investigation of all the circumstances connected with the offence. What did the hon. member for Hull demand? He asked for a committee, in whose power it should be to call for whatever evidence they might deem necessary. Could any thing be more fair—could any thing be more necessary—where such a statement was made as that contained in the petition? He denied that this proceeding would cast any reflection on the sitting members. The petition contained no allegation against them. They might be perfectly unconscious of the practices complained of. The hon. baronet had said, that if any improper practices were going on, he must have heard of them. This, however, he must deny. On the contrary, the hon. baronet would be the last man in the world whom the parties complained of would make acquainted with any practices of this description. The corporation were too much *au fait* at this business to let him know any thing about it. The right hon. gentleman had spoken of the honorary or temporary electors for Nottingham, who went in such a hurry from one place to the other to vote. But what answer was that to the statement of his hon. friend? He complained that the same kind of thing had been done at Leicester as appeared to have been done at Nottingham; and he laid before the House a particular case, which had fallen into his hands, and which he wished to have investigated. It was no answer to say to him, that similar proceedings had occurred elsewhere. He, therefore, contended, that his hon. friend had a right to call on the House to interfere in a case, with respect to which redress could not be obtained in a court of law. It was only in that House that the justice of the case could be satisfied; and, therefore, he called upon them not to dismiss it with that levity, which the right hon. gentleman appeared, by his manner, to sanction. If this motion was rejected, the public would consider it as the declaration of a denial of justice in every

case of this kind that might be brought before parliament. It would show, that the House was destitute of that constitutional jealousy which it ought to feel for the purity of its members; and that instead of opening wide its doors to representations of the kind, it was anxious to throw every difficulty in the way of investigation.

Mr. *V. Fitzgerald* contended, that his right hon. friend was justified in his allusion to Peregrine Pickle and Roderick Random, by the fact, that in that portion of Smollett's History which had been referred to upon this occasion, the author had shown more of the novel writer and the political pamphleteer, than of the liberal and impartial narrator of events.

Lord *Milton* said, the question was, whether the act of the Corporation in creating such a number of additional voters, was or was not illegal. No one had said that, under ordinary circumstances, the Corporation of Leicester had not a right to make freemen. But the case became very different, when the proposition for creating additional voters was hawked all over the country. It appeared that 2,000 letters had been issued to various individuals, and that eight hundred persons were in consequence placed in the situation of electors. This being the case, the hon. member for Hull surely had a right to bring the business forward, for the purpose of investigation. But the right hon. gentleman had, with a great deal of solemnity, called on the House to make a stand, and to support the Corporation. He hoped that the House would do no such thing; especially as a complaint which had been recently made against another corporation, for improper practices in the course of an election, had not been thus dismissed, but had been referred to a committee for consideration. With the labours of that committee they had not yet been made acquainted; but he expected that they would be soon laid on their table. The present was, in his opinion, a gross abuse of legal rights, by the members of this Corporation. It was clear that vast numbers of persons having no connection with the town of Leicester had been created freemen; and it was the duty of that House to inquire, whether they were so created for the purpose of influencing the election in a particular way. He contended, that the House had a right to interfere, to prevent, in future, the recurrence of such a transaction. It was no answer to the petitioners to say, that a similar transaction had taken place at Nottingham. That, on the contrary, ought to operate as an additional reason for rooting out such a system altogether.

Mr. *Legh-Keck* said, he was himself a freeman of Leicester, and he could safely aver, that a more respectable body of electors could not be found in the kingdom. The funds of that Corporation were strictly applied to the purposes for which they were originally intended. There was not a corporate body in England, who watched over the charitable and other funds placed under their care, with more unremitting attention. As to the formation of additional freemen, it could not have been done for the purpose of influencing the election. That would have been a needless precaution; because the resident freemen would, over and over again, have secured the return of the favourite candidate, without any adventitious aid.

Mr. *Spring Rice* supported the motion.

Mr. *Goulburn* contended, that the present case bore no analogy to that of Northampton, inasmuch as no misapplication of corporate funds was charged against the Corporation of Leicester. As to the remission of fees to the eight hundred freemen, it could not have been made with a view to influence the election, as the freedom was conferred on them in 1822, and the election took place four years after. The absence of any illegality in the mode of taking the poll was proved by the fact, that counsel, who had been consulted on the policy of petitioning against the return, under the Grenville act, declared that there were not sufficient grounds to support such a charge.

Lord *Rancliffe* said, that as the corporation of Nottingham had been alluded to in the course of the discussion, he was bound to admit that the practice complained of had prevailed there to some extent. He, however, disapproved of it, and would as willingly support a motion for inquiry into the conduct of that corporation, as into that of Leicester.

Mr. *Hudson Gurney* supported the motion. He said, that the matter loudly called for the intervention of the House. This infamous system of overpowering the bonâ fide voters, by creation of honorary freemen, had been begun by the corporation of Nottingham; who, he was informed, had made twelve hundred utterly un-

connected with the place; and the example had been followed by that of Leicester, who were said to have made nearly two thousand: and he hoped equal justice would be done to both corporations.

Sir *F. Burdett* was about to read a passage from the petition, in order to prove the incorrectness of the statement made on the other side of the House; namely, that the petition did not allege that the Corporation money had been misapplied, when

The *Speaker* informed him, that it was not competent to him to do so, he having already addressed the House.

Lord *Howick*, therefore, read the passage, which declared, that the Corporation had borrowed money to carry on the election, and that the lenders were to be indemnified out of the Corporation funds.

Mr. *C. N. Pallmer* was of opinion that the freemen in question had been made in contemplation of the election, and that their votes were improperly used in it. On that ground he should support the motion.

The House divided:—For the motion 68; Against it 92; Majority 24.

List of the Minority.

Althorp, lord	Kennedy, T. F.
Baring, F	Lester, B.
Baring, J.	Lombe, E.
Bingham, J.	Maberly, J.
Barrett, S. B.	Maberly, col.
Brownlow, C.	Martin, John
Burdett, sir F.	Marshall, John
Buxton, T. F.	Monck, J. B.
Colborne, R.	Milton, lord
Clive, E. B.	Morpeth, lord
Campbell, W. F.	Nugent, lord
Cradock, col.	Ord, W.
Dundas, hon. T.	Pallmer, C. N.
Dundas, sir R.	Pendarvis, E. W.
Ebrington, lord	Prothero, E.
Easthope, J.	Powlett, hon. W. J.
Folkestone, lord	Ponsonby, hon. F.
Forbes, sir C.	Price, Robert
Forbes, J.	Russell, lord W.
Fazakerly, J. N.	Rancliffe, lord
Gordon, R.	Robinson, George
Graham, sir J.	Rumbold, C.
Gurney, Hudson	Sefton, Earl of
Guest, J. J.	Stanley, hon. E. G.
Heneage, G. F.	Smith, W.
Heron, sir R.	Tomes, John
Hobhouse, J. C.	Thompson, C. P.
Howard, H.	Tennyson, C.
Howick, lord	Waithman, ald.
Hume, J.	Warburton, H.
Ingleby, sir W.	White, col.
Jermyn, lord	Wood, C.
Wood, ald.	
Wrightson, W. B.	
Whitmore, W. W.	

TELLERS.

Sykes, D.
Rice, T. S.

HOUSE OF LORDS.

Friday, March 16.

ROMAN CATHOLIC CLAIMS.] The Marquis of *Londonderry* rose to present two petitions from the counties of Londonderry and Monaghan, in favour of the Roman Catholic claims. He said, he should not detain their lordships at present, as he had before endeavoured humbly, but honestly, to state the conviction on his mind, that the great and important question of the Roman Catholic claims was intimately connected with the happiness, welfare, and he might add, the social order of Ireland. He thought it would be bad taste to press the question forward, not only from what he had already said upon the subject, but more especially because an enlightened statesman had thought it most wise to withdraw the motion of which he had given notice. He was not in his place when that incomparable speech was delivered; in every part of which he most cordially and sincerely concurred. He thought he had acted most wisely in not pressing forward a discussion, which could only excite irritation. The question would, of necessity be resumed; and he must hope that the Roman Catholics would bear their present disappointment with patience and resignation; and if he could conceive that they would have recourse to force or rebellion in order to obtain from parliament their claims, and not to persuasion or argument, he hoped, as an honest Irish soldier, he should be in the van-guard of those who opposed such proceedings. He had hoped that those noble lords who did not join with him and his friends in their opinions upon the question, would come forward with some measure calculated to reconcile the country to the disappointment, and to allay the feelings of irritation which now prevailed. That was his wish; and when he found that no measure was coming forward, he felt deeply grieved. Nevertheless, he would advise the Roman Catholics to hope that by patience and resignation they would arrive at the great object of their wishes; and that the justice and magnanimity of a British king and a British senate would

ultimately accord to them what they had prayed for session after session.

The Earl of *Winchilsea* said, he had purposely refrained from making any observations on the sentiments contained in the numerous petitions which he had presented to their lordships against Roman Catholic emancipation; because he thought that a more desirable opportunity would be afforded him for such observations, when the noble marquis had redeemed the pledge he had given to the House, of bringing this great political question of the Catholic claims under the consideration of the House. Finding, however, that that intention had been abandoned, he could not, in justice to his own feelings, or to those persons who had signed the petitions which he had presented, allow the question to be withdrawn from the House, only to be brought forward on a more favourable opportunity, without stating his own views upon the subject. He must own, however, that he regretted that that motion had been abandoned; because he was convinced, that the oftener the subject was discussed, the more it would be found that it was impossible to open the constitution to individuals professing the tenets of the Catholic church, without endangering the principles upon which that constitution was founded. If, however, such discussion would have been attended with the same bitterness of feeling which had characterized the debate upon the subject in another place—if any noble lord had been prompted to follow that example, and forgetting what was due to his own private and public character, should deal in bitter invectives against those who were united with him in political power—he felt, if such should be the conduct that would be pursued, that it would leave, as it had done, in the breast of every friend of uncompromising principles, an impression which would never be effaced, and would tend, as it had tended, to unite that party more firmly than any thing that could be said. It was a matter of sincere regret to him, therefore, that the noble marquis had thought proper to withdraw his motion; and on that occasion he should freely have stated the grounds upon which he objected to granting the claims of the Catholics. He now begged leave, therefore, to state the grounds upon which he thought that it was impossible to admit the Catholics to legislate for a Protestant country, without endangering the Protestant principles of that country; and he did so in order that he might hear those arguments which might be brought forward to combat his opinion, and which he sincerely assured their lordships he should take home with him from that House and give them the attention they deserved. He wished most sincerely to come to a just conclusion upon this great question. In the first place he would draw their lordships' attention to the grounds upon which the Papists, at the time of the Revolution, were, by the wisdom of our ancestors, effectually excluded from political power; and he should then endeavour to show that the same grounds existed at present for the continuation of that exclusion, as a security against the intolerant principles of popery. He did not wish to draw their lordships attention to any of those melancholy events which occurred before the period he alluded to. He would direct their lordships attention to the character of popery exemplified in the conduct of James 2nd and that of his advisers. He would draw their attention to the state of the continent at the same time; and they would see Louis 14th revoking the edict of Nantes, and banishing every Protestant from his dominions. Let noble lords look to the opinions of the Roman Catholic clergy of that period, as collected from authorized statements. He would read a passage written by the bishop of Meaux, indicating the spirit of persecution of the church of Rome against all those who were opposed to it. Let their lordships judge from his own words. He said, that "the church of Rome, is the most intolerant of all churches: it is our inflexibility which renders us unconciliating and odious." In another passage he says, "that the exercise of the power of the sword was not to be called in question." He should avoid entering into a detail of the melancholy events that happened before that period. Having endeavoured to show that the principles of popery were dangerous to a Protestant constitution at the time he had mentioned, he should now examine the declaration of those who stated, that the doctrines of popery were no longer composed of those intolerant and obnoxious principles: that no sale of indulgences were allowed, or the doctrine of purgatory believed. He would refer to a bull of pope Leo, as giving him a ground of coming to a more correct conclusion on

the subject. The bull in question, which was issued in 1825, and was published in all the newspapers, bore unqualified testimony to the statement, that the doctrines of popery had not changed in those two particulars. But perhaps some noble lords would maintain, that an essential alteration in the fundamental doctrines of popery had taken place. He begged leave to ask by what authority and at what period had such alteration been effected?—to what authority were those differences in the Catholic religion to be ascribed, and in what writings were they allowed? Their lordships were all aware, that the principles of the Catholic religion could not be altered without the concurrence of a general council, and they must know also that there had been no general council held since that of Trent, in the sixteenth century. To that council their lordships must refer, if they wished to come to a just conclusion on the true and real doctrines of the popish church. Were their lordships, then, to be told by individuals who had interested motives—for he contended, that they had interested motives, to conceal the real character of that religion—that in their opinion the Roman church no longer held doctrines so obnoxious and intolerant? How little such a statement was worth, would appear when put to the test of a writer of our own church, who wrote in answer to Dr. Doyle. He would now draw the attention of their lordships to the unconstitutional conduct of the Catholic priests in their interference at elections in Ireland. Availing themselves of the ignorance of the poor people, they did not exercise that sort of influence which was derived from wealth, as was done in this country; but availed themselves of a power purely spiritual to excite the minds of the superstitious people. Had not their lordships heard of their opposition to every measure proposed for the instruction of that country; for they well knew how short lived their power would be, if the people were left to their private judgment, and to the exercise of a better religion? He thought he needed not to add one word more as to the intolerance of the Roman Catholic religion. High minded and honourable men, he admitted, there were professing that religion; but he would ask this simple question—whether those individuals, if such was their character, could be safely trusted with a power to legislate for a Protestant country? But it was now said, that the Roman Catholic gentry did not give their assent to the intolerant doctrines of the Romish church. When the Roman Catholics said so, they were deceived—deceived by the influence of those treacherous principles, which always had been, and still were, the characteristics of the Roman Catholic religion. If those principles were not opposed, no adequate security would be had against the vigorous and domineering spirit of popery. If these were not the principles which the Roman Catholics now entertain, let them, then, open their eyes to that religion; or let them state candidly that it is not the Throne, it is not the laws, it is not the parliament, but it is the church of Rome, which bars the entrance to the British parliament. It was said that Ireland could not remain as she was, and he assented to that observation. But it was also stated, that conceding the Catholic claims would make that country tranquil. He no more believed that conceding those claims would have that effect, than that the breath of man could calm the ocean. He had not abilities or talents sufficient to enable him to propose any measure for the improvement of Ireland; but there was a measure which would tend to render that country happy; namely, the effort now made to rescue the people from the degraded state of religion in which they stood, and an endeavour to unite them in bonds stronger than any other—the bonds of religion, which would make Ireland both happy and tranquil. All that he wished was, that when this great question should be again brought forward, every endeavour would be made to transmit to posterity that constitution which had made this country the envy of surrounding nations, and not to fritter away the principles upon which that constitution was founded, or abandon that system of government which rendered us the most exalted upon earth. The noble lord then presented a petition from Northampton, against granting any further concessions to the Roman Catholics, and adverted to a petition from the same place, presented by earl Spencer, and stated that the one he now presented was very numerously signed.

Earl *Spencer* did not rise to enter into a discussion with the noble lord who had just sat down, on all the various topics upon which he had touched. The noble lord had finished his speech by presenting

a petition from the town of Northampton. He also had presented a petition from the same town, signed by six hundred persons. He knew very well that two petitions might be signed in the same place; and he would not make a comparison of the judgment or pretensions of the petitioners. He was aware that in that town, as throughout the whole country, the opinions of the people were much divided. The petition he presented was sent to him by post, and he knew some of the names to be very respectable. He made the observation, at the time of presenting it, that twenty years ago, it would have been extremely difficult to find six hundred persons, who would have put a petition into his hands in favour of the Catholics. He really believed, notwithstanding the assertions of the noble lord to the contrary, that the country, though it was still divided, was beginning to open its eyes upon this question. He gave that noble lord, and other noble lords full credit for their opinions being grounded on the notion, that they were doing their duty to the constitution of the country; and with respect to himself and his friends, he must be allowed to say, that they were as good and as steady friends to the constitution, in church and state, as any of those noble lords who were opposed to granting the claims of the Catholics.

The Bishop of *Norwich* said, he had several petitions to present to their lordships, coming from different quarters, and containing different opinions. He had divided these petitions into three classes. The first class contained petitions from the Roman Catholics of Ireland; they consisted of five, and deserved attention on account of the respectability of the petitioners. The first petition came from the Roman Catholic bishop and clergy of the united dioceses of Waterford and Lismore. The others were from Tuam and other places in Ireland. These petitions were signed by immense numbers of Roman Catholics, and they all united in praying most earnestly for the repeal of those penal statutes which still remained laws, which were, as it appeared to him, the misfortune and disgrace, and would be the ruin of this empire at no distant period, if the wrongs of millions remained much longer unredressed. The second class of petitions came from clergymen of the Church of England. These petitions were signed by many very learned and excellent men, who prayed that no further concessions may be made to the Roman Catholics. It was with much concern that he was obliged to differ widely in opinion from persons of that denomination; and it gave him much pain to find that such men could have brought themselves sincerely to believe, that the security of any Christian Church could be endangered by acting on Christian principles; or that the safety of any civil state could be hazarded, by uniting the hea.ts and minds of all the subjects of every denomination in the state, by giving them equal rights, instead of alienating a very large portion of those subjects, by an unprovoked, and, as it appeared to him, unjust and cruel persecution. He felt perfect satisfaction in presenting a petition from the archdeacons of Norwich and Sudbury, and other clergymen of the Church of England. This petition was also signed by many learned and excellent persons who had a regard for the constitution; but they thought, and he perfectly agreed with them in opinion, that the constitution could never be more effectually secured than by promoting peace and good-will among all classes of the king's subjects. They, therefore, prayed for the removal of those severe laws that affected the Roman Catholics. These sentiments were much more in unison with the improvement of the times in which we lived, and with a just notion of civil and religious liberty, and the mild and tolerant spirit of Christianity. The petition was drawn up with so much moderation and temper, that he wished it to be read at length.

The *Lord Chancellor* said, he must object to the petition, which was stated to come from the bishop of Waterford. In the discharge of his duty, he could not receive any petition coming from the bishop of Waterford, unless it was the Protestant bishop.

Lord *Clifden* stated, that his majesty, when he was in Ireland, had received all the Irish bishops in full robes.

The *Lord Chancellor* said, that made no difference. He had a positive duty to perform, and he must object to any petition being received coming from the Catholic bishop of Waterford.

Lord *Clifden* stated, that there had been an especial presentation of Catholic bishops to his majesty while in Ireland.

The Marquis of *Lansdown* felt persuaded, that the noble and learned lord on the woolsack would have no objection to re-

ceive the petitions of persons who, from the station they filled, were highly respectable, provided they were properly worded. He understood the objection of the noble and learned lord to be only to the assertion of a supremacy which did not, and ought not to exist. There could be no doubt that those persons were entitled to the designation of Catholic bishops in Ireland. He was sure that if this petition was withdrawn, and signed with the name of the individual as Catholic bishop in Ireland, the noble and learned lord would not object to its being received.

The *Lord Chancellor* said, he never would oppose the reception of petitions written in a style which the House could recognise. There could be no doubt that the parties in question were bishops, nor did he doubt their respectability. But what he could not allow was, that the person from whom this petition came, should be recognised a Catholic bishop of Waterford. He might be designated as Catholic bishop in Ireland, but not as Catholic bishop of Waterford, for the law knew nothing of such a designation.

The Bishop of *Norwich* said, there was no difficulty on his part to withdraw his petition.—The petition was accordingly withdrawn.

The Earl of *Darnley* said, he could not help lamenting that his noble friend (the earl of Winchilsea) should, on his first political appearance, have shown so much zeal and energy in what he could not but consider a bad cause. He called it a bad cause, because he was perfectly convinced, that if his noble friend, and those who thought with him, continued to oppose successfully the just claims of the Catholics, they would succeed in convulsing this great empire to its centre. He could not but regret the strong language which had been used with respect to a man of transcendant genius, who had long advocated this great cause with distinguished ability, and who, he trusted, would continue to advocate it until it should be finally successful. But he would not refer to living authorities; it should be recollected, that Fox, Pitt, Burke, and Grattan, who had never agreed upon any other question, concurred in supporting the measure which his noble friend opposite so warmly deprecated. The ill-omened rejection of this measure was undoubtedly calculated to induce the people of Ireland to consider the country to which she was united, rather in the light of an enemy than a friend. He trusted that this consummation would not take place; he trusted that better feelings—feelings more in unison with the Christian charity so eloquently recommended that night by the venerable prelate—would prevail in that country. He did not absolutely despair; though he confessed he was not very sanguine in his expectations of hearing his noble friend opposite argue, at some future period, for the expediency of Catholic emancipation, with as much zeal as he now opposed it. As to the number of petitions against the measure from the county of Kent, he was not at all surprised that so many had been presented; for nothing could be easier than the way in which they were got up. It was as easy as lying. A paper was drawn up, containing the usual common-place expressions, about Church, State, and Constitution, with a few allusions, perhaps, to the Pope, the Pretender, Bloody Mary, and Guy Fawkes, and this document was carried about by the clergyman of the parish, who prevailed upon every body who could write to sign it. In one instance, the clergyman of a parish, charged with a petition of this description, happened to take it, in the first instance, to an honest tenant of his, who occupied four or five hundred acres of land. The farmer said it might be all very right; but he never signed any thing he did not understand. "Not sign it!" exclaimed the clergyman, "why surely you won't suffer the bloody Papists to get power into their hands, and burn Protestants at the stake again?" The farmer persisted in his refusal; and was equally impracticable, when the clergyman wished him to get his wife and children to sign it. The clergyman was at last obliged to go into some neighbouring brick-yards, and get the petition signed by as many labourers as could write. It was absolutely absurd to attach any importance to petitions got up in this manner. It had been inquired of those who had succeeded in putting an extinguisher on this question, what they meant to do for Ireland? His noble friend opposite answered, that they meant to convert the Catholics to the Protestant religion. If such a scheme were practicable to any extent, no man could be more desirous than he was, to see it accomplished; for he had a bad opinion of the tenets of the Roman Catholic Church, though he did not think that the Catholics

ought to be excluded from an equal participation in civil privileges, on account of erroneous religious opinions. But to suppose that five or six millions of Catholics were likely to be converted to Protestants was really a most extravagant notion. And, if there were really a prospect of effecting their conversion, then he should contend, that this was an additional argument for granting Catholic emancipation; for no one could pretend to say, that a persecuted sect was more likely to embrace Protestantism, than one which was admitted to the common benefits of the Constitution. The noble lord adverted to the language of the Resolutions recently adopted by the Catholics at Dublin, which was characterized by great moderation and discretion. They expressed a feeling of regret at the vote which rejected the just claims of seven millions of his majesty's subjects: they recommended peace and forbearance, confidence in God, and in the justice of their cause: they recommended their Catholic brethren not to give way to despair, but to await the course of events. The influence of the Catholic clergy in the late elections had been complained of; but there had been no proof of any unconstitutional interference on the part of the Roman Catholic priests. They had, undoubtedly, a powerful moral influence over their flocks; they felt their increased moral strength; they knew the justice of their cause; they saw how they were supported in this country, by numbers, by intellect, and by every thing that could make a cause respectable. The ultimate success of that cause was as certain as cause and effect—as sure as that summer followed spring. Sooner or later Catholic emancipation must be granted; and the only question was, whether parliament would grant it as a boon, or be compelled to concede it under the pressure of national calamity.

The Duke of *Buckingham* said, he held in his hand several petitions praying for Catholic Emancipation. The first was from the Roman Catholic inhabitants of the county of Roscommon. He did not mean, in introducing this petition, to follow the example of the noble lord (Winchilsea) by discussing the whole question of the Catholic claims. There were many reasons why a collateral debate of this kind was not one in which the great question of Catholic Emancipation could be conveniently discussed. It was utterly impossible, in a debate like this, to settle this great—he was sorry to be obliged to call it—this terrific question. He perfectly agreed with his noble friend (the marquis of Lansdown) as to the propriety of postponing the motion of which he had given notice; for that notice could not have been brought forward with any advantage under the circumstances which had recently occurred. He should not enter into any part of the discussion, except to notice an observation which had fallen from the noble lord who opened it, and who had brought it forward as a charge against the Roman Catholic clergy, that they exercised a purely spiritual influence over their flocks. If the exercise of a purely spiritual influence over their flocks was a crime, he wished to God, that the same complaint could be made of our own clergy! He should be happy to believe that no influence was ever used by the Protestant clergy in questions of a political nature; but that their influence over their flocks was purely spiritual. He trusted that the earliest opportunity would be taken of affording their lordships the means of coming to a decision on the great question of Catholic Emancipation. He said this, not because he wished for a debate on this question; but because, in his opinion, nothing could be more mischievous than that the people of Ireland should believe that their friends despaired of the cause, and that parliament had shut its ears against their claims. He could not, at the present moment, look forward with hope to the success of the question, after what had occurred in the other house of parliament; but the time was near at hand, when this question must be carried, and it would depend upon their lordships to decide in what spirit it should be carried. The arts of man might, for a time, raise barriers against it; attempts might be made to check the progress of reason through the land; but the current of knowledge and intelligence could not be arrested by the work of human hands. The tide of human reason could not be kept back; but it depended upon man whether the current should take such a course as to fertilize the land, or spread ruin and desolation around. Many rejoiced at the decision of the other house of parliament; but he believed that few persons of sound statesman-like opinions participated in their triumph. The decision was a subject of triumph to those who did not wish Ireland to look to the

imperial parliament for protection and support. The triumph was felt by those who wished Ireland to believe that the parliament of England was deaf to their claims, and that they could look only to the ravings of seditious demagogues for the redress of their grievances. By rejecting the claims of the Catholics, parliament was delivering Ireland into the hands of those demagogues. A question involving the liberties of seven millions of people could not be put by, according to their wishes or caprice. It was utterly impossible that the present state of things could last. In the name of God, then, as the danger was thus imminent, as it pressed so immediately upon them, why not settle this question in the only way in which it could be settled, by embracing the offers of Ireland, and admitting her to a participation in the benefits of the constitution? Ireland offered us every thing we could require; she offered us allegiance, she offered us affection, she offered us attachment. If we rejected her offers, there were many on the alert to tell her, that our professions were false and hollow, and that they were the only friends, by whose efforts she would be saved. By a seasonable concession to the just claims of Ireland, we might save her from those who were luring her to destruction—we might restore the tranquillity of the country, and secure the allegiance and attachment of seven millions of people.

The Bishop of *Chester* said, he could not forbear noticing an expression of the noble duke who had just sat down, which seemed to call for some animadversion from the representatives of the Protestant Church. The noble duke had stated, that the noble earl who presented the petition from the county of Kent, had imputed to the Roman Catholic priests as a crime, the exercise of their spiritual functions. The noble duke had entirely mistaken the meaning of the noble earl. The noble earl had not imputed to the Roman Catholic priests the exercise of their spiritual functions as a crime; but he had argued, that the tremendous influence of the Catholic priesthood was a very powerful reason why the legislature should not intrust power to so many millions who were subjected to it. The noble earl did not say that they were not at liberty to use the legitimate influence which would follow the faithful discharge of their high and sacred functions; but he argued against the abuse of their sacred trust, and the misapplication of their influence to political purposes. He had no hesitation in expressing his belief, that, in the late elections, the Roman Catholic priesthood had taken down polished weapons from the armoury of heaven, and employed them in carnal warfare. Such conduct had never, he believed, been imputed to the Protestant clergy, except in a single instance, where a Protestant clergyman had invited his congregation from the pulpit to sign a petition; and this single instance of misconduct had met with a merited rebuke from that House. The influence of the priesthood in Ireland was a very powerful reason why the Catholics ought not to be intrusted with political power. Ireland was the most unenlightened country in Europe; and political power in the hands of a body of artful and designing men—though he did not mean to include the whole Catholic priesthood in that description—might be employed to the worst of purposes. This brought to his recollection a remark of the noble earl who preceded the noble duke—a remark which called equally for animadversion. That noble earl had thought fit to speak in discouraging, if not contemptuous, terms of the efforts to diffuse the light of the gospel among the unenlightened population of Ireland. He thought he saw the finger of God in the recent conversion of so many of the Catholics of Ireland; and woe be to those who should presume to lift up their hands and voices in vain and impotent attempts to stem the flood of light that was bursting over the country! If these efforts were continued in a spirit of gentleness, wisdom, and zeal, they would bring down the blessing of the Almighty; and the good work would go on to its consummation. He could not sit with patience, and hear a member of the Protestant Church speak contemptuously of these efforts. Day by day, the tide of reformation seemed to be rolling on—gradually, indeed, as was to be at first expected—with sure and certain progress. He could not avoid expressing his indignation, or rather his pity, at the language which had been used in the other house of parliament. He could not but lift up the voice of expostulation, if not of reprobation, at those who designated the attempt to convert the Catholics of Ireland as a crusade. A crusade, indeed, in its true sense, was not in itself reprehensible;

its object was to plant the Standard of the Cross in regions of darkness. But the term had been applied in a disparaging and reproachful sense. Was it a crusade which Luther undertook? Were those who embarked with him in that glorious enterprise crusaders, in the sense in which it was meant to stigmatize the humane and charitable attempts which were now making by a man not less distinguished by his piety than conspicuous for his rank? He begged their lordships' pardon for having thus trespassed upon their attention, but the observations which had been made that night seemed to him to call for some animadversion.

The Earl of *Darnley* said, the learned prelate had noticed an observation of his, for the purpose of misrepresenting it. He put it to the House, whether he had said any thing of which a good Protestant need be ashamed. He had stated, that he should be extremely glad to see the whole population of Ireland converted to the Protestant faith, but he was not so sanguine as some others were on this subject; and he maintained, that if there were a prospect of their conversion, it would furnish an additional argument for Catholic Emancipation, inasmuch as a persecuted sect was less likely to be converted, than one admitted to equal civil rights and privileges.

The Bishop of *Chester* maintained that the noble earl had treated the attempt to convert the Catholics of Ireland as a visionary scheme.

Viscount *Clifden* was of opinion, that the Protestant religion had never had fair play in Ireland. He had no doubt that if there had been no penal laws, the whole population would have been Protestants before now. The gentry, to prevent the loss of their property, had been compelled to abjure the Catholic faith; but the people at large were, by the cruelty of those laws, bound to the Catholic priesthood.

The Earl of *Roden* presented petitions against any further concessions to the Roman Catholics, from 22,000 Protestants of the county of Londonderry, and the county of Tyrone. The noble lord said: When I consider the importance of the subject on which these petitions are addressed to your lordships, I feel myself compelled to declare, in a few words, my opinion on the present condition of that country from which they proceed; but first, I must express my regret, that on this great and important subject, the members of his majesty's government are still divided in opinion; that they do not yet consider it a subject fit to be decided by them; but that they still reserve the decision of it as an apple of discord, to be thrown between the two parties in Ireland, who ground their own division upon the division that exists on this question among his majesty's ministers. To this division in the cabinet we must also trace the present system of policy pursued by the Irish government—a system which its supporters term conciliatory, but which I consider weak and puerile—a policy, whose only result has been to draw down on it the disgust of the Irish Protestants, and the contempt of the Roman Catholics. But I firmly believe that the time is not far distant, that the day is close at hand, when this division among the members of the government must cease to exist—when the government must take an influential part in the decision of the question—when the government, as one united body, must come forward and declare their determination to support the Protestant church and constitution in Ireland, or to support the Popish ascendancy that now domineers over that country. It has been said, here and elsewhere, that the present condition of Ireland cannot continue; that things cannot remain as they are. With this opinion I entirely concur, as I think it impossible that Roman Catholics should be allowed to legislate for a Protestant church. For that I contend is the ultimate object of the Roman Catholics of Ireland; and this opinion I pronounce, not only on the authority of history, but on the acknowledgment of the Roman Catholics themselves, who declare that they look on their admission into this and the other house of parliament, merely as a step to the intended overthrow of the Protestant establishment. The speeches and measures of the Roman Catholic Association, and the concurrence of the Catholic gentry and the general population in those measures, will show, that the object of them all is one and the same; namely, the subversion of the Protestant religion. Can then these things remain as they are? Shall we ever allow the Roman Catholics to prescribe laws for the Protestant church of Ireland? I have heard noble lords assert, that the treatment of Roman Catholics of Ireland is as bad as that suffered by the Greeks from the Turks—that one sect of Irishmen is persecuted by ano-

ther; and that they are subject to a system of tyranny on account of their religious opinions. Is it so? Yes; if there be religious persecution in Ireland, it is the persecution inflicted by the Catholics on the converts from Popery; if tyranny is exercised over men in Ireland, it is the tyranny employed by the Roman Catholic priests over their congregations, to prevent them from shaking off the slavish yoke of Popery, and becoming converts to that glorious Reformation which is now working its rapid way through every part of the country. That great work has been censured by persons in other places, and in high authority, as a mere chimera. I think differently, my lords. My sincere conviction is, that its success is the work of Heaven—the pure result of the preaching of the Word of God, and the operation of his Divine Spirit. It has been urged as an argument in favour of concession to the Roman Catholics, that the refusal of it will drive them into rebellion. I do not believe that assertion; but even though I did believe that rebellion would be the result of our refusal, still I would encounter the risk of rebellion, immense an evil as I consider it, than allow the Protestant constitution to be ruled by the legislations of men, who, by the very essence of their religion, hold a divided allegiance to a Protestant establishment. My lords, I must declare, that I am not satisfied with the present system of Irish government, or rather of no-government, which, instead of allaying the evils of the country, increases them a hundred fold. For proof of this, look to your lordships' own legislative measures. Two years ago, your lordships passed a bill, which has since been called the Algerine act, which some of your lordships opposed, as infringing on popular liberties; but which I then supported, through a certainty, that it was calculated to attain the object for which it was designed—I mean the suppression of party associations in Ireland, which have so long been the bane of that country—but what has been the effect of that act? It put down the associations of Protestants, which had originally been formed for the protection of the laws and the constitution. I do not complain that these Protestant associations were put down. They were no longer wanted; they had degenerated into signs and badges of party: but what I complain of is this, that though the Protestant associations yielded to the law, yet still, at this day, the Roman Catholic Association is in existence, spreading its destructive poison to the remotest extremities of the land. I have heard it asserted, that the Irish government has made attempts to put down this Catholic Association. I say no attempt has been made to put it down; and, as a proof, it stands, my lords, before parliament and government at full work, unchecked in its operations, uninjured in its power. I may be told, indeed, of a prosecution that has been brought by the Attorney-general for Ireland against Mr. Shiel, for a certain inflammatory speech delivered by him before the Association; but when your lordships remember the violent opinions and language used elsewhere by that same Attorney-general, will you not agree with me, that it is a great hardship that Mr. Shiel should be prosecuted for his seditious speech, while the Attorney-general for Ireland is allowed to diffuse, with impunity, opinions productive of the greatest mischief, in the present state of Ireland. That condition of the country, combined with the existence of the Roman Catholic Association, is an indelible stain upon the character of the government.

The Bishop of *Norwich*, in explanation, justified his applying the word persecution to the conduct observed towards the Roman Catholics. He was taught in early life, by abler men than now lived, that every penalty, every restriction, every disadvantage, every inconvenience imposed upon an individual on account of his religious opinion, was persecution. That being the case, he thought that the noble earl need not complain, if he said the Irish were the most persecuted men on the face of the earth [hear].

The Earl of *Carnarvon*, in allusion to what had fallen from a noble earl, with reference to a comparison between the state of the Irish Catholics, and that of the Greeks under the Turks, observed, that when the present state of the Roman Catholic population of Ireland was referred to as an argument against conceding to them their claims, he did say that noble lords might as well apply that argument to the Greeks as to them; namely, that because a long system of oppression had reduced them to a state of degradation, therefore they were not entitled to be relieved from that oppression. He was satisfied, that the Roman Catholics, under the rule of Protestant ascendancy,

were not much better off than the Greeks under their Turkish rulers. The noble lords of the Protestant ascendancy were not only for disqualifying the Roman Catholics from being heard in parliament, but all the British peers also; and now the noble earl was for disqualifying the House of Commons too; for he had told their lordships, that Mr. Shiel was under prosecution for having used certain expressions, but that the language of a right hon. and learned gentleman, in another place (evidently alluding to the House of Commons), was infinitely more culpable. The Protestant ascendancy lords were at once parties, accusers, and judges; and every day brought forward charges against the Roman Catholics, while the voice of the latter could not be heard. Irritation had been imputed to the Roman Catholics; but, if it existed on the part of the Catholics, their lordships had ocular demonstration, that great irritation existed on the part of the noble lords. The noble earl had even gone so far as to say, that sooner than see the Roman Catholics emancipated, he would encounter all the dangers of rebellion. Now, he appealed to the House, if ever any language had proceeded from the Roman Catholics of a more dangerous tendency than that? If their lordships wished to save the country, they must not await the tardy progress of reformation, but at once take measures to put down, not only the Catholic Association, but the Protestant ascendancy party also. Their lordships must not leave this subject to their irritability, but take it under their own dispassionate judgment. If they did not do so, the time would soon come when they would repent it, but when repentance would be too late.

Viscount *Clifden* said, that if he were to go into the question, he could show that great changes had taken place in the Roman Catholic religion. It had been said, that, if emancipation was granted, the Roman Catholics would not be satisfied. He was quite certain that they would be satisfied—they must be satisfied.

Lord *Mountcashel* regretted that noble lords treated the question as a matter rather of policy than religion; and expressed his conviction, that the spirit of the Roman Catholic religion remained unchanged to this day. In support of this opinion, he quoted passages from the decrees of several Roman Catholic councils. The doctrines inculcated by these councils were taught, at this day, in Roman Catholic seminaries, which were supported by parliamentary grants, and diffused, by the priests, among their several congregations. The persecutions suffered by the Vaudois, in Piedmont, were a proof of the bigotry of the Roman Catholic religion. He was astonished how noble lords who had taken the oath of Supremacy, could support the claims of the Catholics. He considered himself justified in accusing them of a violation of that oath, as he felt that, if he acted in the same manner, he should be guilty of perjury. For these reasons, he should, at all times, oppose further concessions to the Catholics.

Ordered to lie on the table.

HOUSE OF COMMONS.

Friday, March 16.

GRANT TO THE DUKE AND DUCHESS OF CLARENCE.] The Chancellor of the Exchequer moved the order of the day for the House resolving itself into a committee on the Duke and Duchess of Clarence's Annuity bill.

Mr. *J. Martin* said, he would avail himself of the present opportunity to put a question to the right hon. gentleman, and which, he trusted, he would have no objection to answer. The feelings of the country were more acutely alive to the grants to the royal family, than ministers seemed to be aware of. It might be in the recollection of the House, that, in the year 1825, a bill had been introduced, granting an additional allowance of 6000*l.* per annum to his royal highness, the duke of Cumberland. The pretence made by ministers for proposing such a grant, was the education of his royal highness's son. The vote excited very strong feelings amongst every class of the population, and it even roused such a spirit of opposition within the walls of that House, as induced ministers to reconcile members to the grant, by inserting a clause in the bill, that it was highly expedient that the young prince should be educated in this country, and that the payment of the money should be made only during his residence in England; unless he was permitted by his majesty to reside abroad. His present object was, to ask the right hon. gentleman, whether the 6,000*l.* in question had been paid to his royal highness; whether the young prince had been resident in this country; and, if he had

not, at what period, and upon what grounds, the privilege of his majesty's licence to absent himself had been granted? He wished also to know upon what grounds ministers had been induced to recommend such a measure to his majesty? If it appeared that his royal highness had pocketed the 6,000*l.* a-year, and had never set foot in this country, the House had been most grossly deluded, and the country imposed upon.

The *Chancellor of the Exchequer* said, he was extremely happy, in the prospect of having the vote of the hon. member; as he had given him to understand, that, according to the answer which he received to his question, he should be influenced in voting upon the grant to be brought forward that evening. The hon. member doubtless expected, that, in point of fact, his royal highness the duke of Cumberland had been in the receipt of the 6,000*l.* granted to him under certain conditions: that he had pocketed the money, and that the conditions had not been fulfilled. Now, so far from this having been the case, he could assure the hon. member, that his royal highness had not received one single sixpence of the grant.

Mr. *J. Martin* said, it was most singular that ministers should intrude such an objectionable measure upon the public, if the sequel proved that even the royal duke did not conceive the grant necessary, and had consequently neglected to receive it.

With respect to the fact, he could only say, that his royal highness's allowance from the public had, previously to the grant in question, been 18,000*l.* a-year. He had found the sum charged as the allowance to his royal highness for the half year ending the 5th of Jan. 1825, to be 12,000*l.*; which he had supposed included a payment on account of the latter grant.

The *Chancellor of the Exchequer* said, that the charge had been made in the account, as his royal highness might have demanded it, and might have complied with the prescribed conditions; but his majesty had not thought fit that the young prince should be brought into this country, and consequently the money had not been paid.

Mr. *Hume* said, that if the government accounts and statements were made up properly, such misconceptions could not take place; members would not be misled into such errors; and all such questions and explanations would be avoided. With respect to the vote which ministers were about to propose, as he could not move that the subject should be taken into consideration that day six months, he would certainly oppose the Speaker's leaving the chair. He was most anxious to do this, because he had lately presented petitions from the working classes, setting forth their great distress, and praying most urgently for relief, in order to save them from starving. A statement had just been sent to him of the enormous sums taken from the people in support of the royal family. By this account it appeared, that the expenses of the royal family, exclusive of 1,057,000*l.* for the civil list, amounted to 250,000*l.* per annum, and that that sum would maintain thirty-four thousand families for a year; and further, that the 9,000*l.* proposed for the duke of Clarence, amounted to no less than the full yearly wages for one thousand two hundred persons. Now, when it was admitted on all hands, that the country was in so distressed a situation, could the House reconcile it to itself, with such petitions before them, to grant such a sum out of the pockets of the people? No man, with the proper feelings of an Englishman, could, he thought, consent to receive such a sum under such circumstances. It was said, that comparisons were odious, but, when we saw millions in a state of starvation; when, in answer to their demand for bread, ministers gave them stones, or what came to the same thing, when they were denied relief—was it not too much to add to that denial a grant of 9,000*l.* to one of the royal family, who already received not less than 33,000*l.* a-year? The House would, he thought, lose the confidence and respect of the people, if they consented to such an expenditure in the present state of our finances; and protesting as he did against it as a waste of the public money, he should oppose the Speaker's leaving the chair.

Mr. *Maberly* said, he was anxious to offer a few words on this subject, as an erroneous opinion had gone abroad, as to the part which he had taken in a former discussion. He entirely approved of the vote; and he thought that, in a country which adoped the monarchical principle, an adequate provision should be made for the illustrious individual who stood next in presumptive succession to the throne. The late heir presumptive, had got involved

in debts; and he thought that a liberal provision should be made, in order to keep the present heir from the same necessity. The sum now proposed, was, he thought, not more than was necessary to keep the royal duke in that splendour which became his rank. He gave his hon. friend credit for a desire to introduce economy and retrenchment; but he thought it was not quite fair to urge the distress of particular classes of the people, as an argument against such a grant as the present. He was as anxious to relieve the existing distresses, and had gone as far, by his votes in that House, to relieve them by economy, as any other member, but he did not think he acted inconsistently, in supporting this motion.

Mr. *Tennyson* regretted extremely that, upon every occasion when an increase of income became necessary for a branch of the royal family, these discussions should be provoked. It was inexpedient that the individuals of that family should thus be exposed in detail to the reflections cast upon them in the public journals, and in parliament, as persons who were inconsiderately and continually drawing upon the impoverished resources of the country. But, it was unjust as well as inexpedient. The royal family were brought to this country under circumstances of peculiar interest to the liberties and happiness of the people, and were thrown upon its liberality for a fit provision. He thought, therefore, it was its duty, as well as its interest, to establish some fixed scale by which that provision might be regulated, so that each member of the family should be enabled duly to occupy the station he was called upon to fill, and not be left to the alternative of encountering all the calumnies which these applications generated,—or of remaining exposed to the continual taxes upon his benevolence which his station brought upon him, with insufficient means.

Besides, when these questions were thus, from time to time, brought forward, members of parliament could scarcely avoid being unduly influenced by private or political bias They ought only to consider the relative position of the prince in question in each case:—and thus in every instance, a general regulation would settle the matter. In that before the House, his (Mr. T.'s) vote would be governed by the principle on which the chancellor of the Exchequer had brought forward this proposition; namely, a due regard to the position now occupied by the duke of Clarence. He regretted, with his hon. friend the member for Aberdeen, that this grant became necessary at a period of public distress; but it could not in any case be contended, that the trifling addition to his royal highness's income, proposed, could sensibly increase that distress; and in this instance, it could not be said, with any degree of propriety; for the addition of 9,000*l.* per annum would be paid out of an annual saving of 14,000*l.*, created by the lamented death of the duke of York,—leaving a surplus of 5,000*l.* a year in favour of the country. To this might be added the further saving of the salary belonging to the master of the Ordnance, which, by the liberality of the duke of Wellington, had been given up on the union of the two offices, when his grace became commander in chief. Thus, there would be a total saving of 7 or 8,000*l.* a year.

But, what he wished to suggest was, the expediency and justice of settling these payments to the royal family by an act of parliament, which, by the nature of its provision, should, in this respect, from time to time, regulate the Civil List. Suitable incomes might thus be assigned to an heir apparent, an heir presumptive, or a junior branch, with proportionate increases if married, and in case of issue—so as to render the individuals of the family equally independent, at twenty-one years of age, of the Crown and the ministry, as of parliament. It might be the policy of the country to keep the royal family, to a certain degree, dependent on parliament for their provision; but it was ungenerous, and, to say the least of it, needless, to exercise it in such minute detail. It was right and useful to assert and act upon this policy from time to time—at the beginning of a reign—by regulating the Civil List, and by other occasional means; but it should not be allowed to inflict continual mortification and injury on individual members of the family, as it now did. They ought not to be left, as now, necessarily dependent on the will of an administration; and he should suppose that a liberal-minded administration would be gladly relieved from the painful task of constantly bringing forward these questions.

Besides, the government had not always acted properly in these cases, towards the

royal family, but had been influenced by private and political motives. When the late persecuted queen Caroline came to this country, the government had refused her an income, until the people were almost ready to demand it with arms in their hands. He would, instance, also, his royal highness the duke of Sussex, who had received no allowance whatever until he was nearly thirty years of age, notoriously because his political sentiments were unpalatable to the ministry of that day. But the same government placed his royal highness in situations where, in the season of youth, he was likely to contract, and did in fact contract, considerable debt; which, when, long afterwards, an income was tardily assigned to him, was left to burthen him. But with that honourable feeling, which ever characterized his royal highness, he had set aside 9,000*l.* a year to discharge this debt. That fund had for several years, so operated that within three or four years from the present time, the debt would be paid. But, up to the present period, this charge, and the provision he had to make for a lady of high rank, with whom in early life, he had contracted a marriage (which the Royal Marriage act precluded from recognition), as well as for the issue of that marriage, had reduced his income to about 6,000*l.* a year; while the marriages of the other princes had procured them, from parliament, augmentations of annual revenue. Yet, with these restricted means, and without any professional income, which all the other princes had, his royal highness had aided and patronized those useful and benevolent institutions, which tended to advance the happiness of mankind and the domestic interests of the country, in a manner quite unexampled here or elsewhere.

There was an idea that the Royal Family derived some income from Hanover. What his majesty might receive he did not pretend to say. Perhaps nothing. But, with the exception of a small provision for the princesses upon their marriage, he could state positively, that the junior branches received no income or emolument whatever from that quarter. The grant now asked for on behalf of the duke of Clarence was a fair example of the inconvenience of the present practice. His royal highness was heir presumptive to the Throne, and much more clearly and practically so, than the duke of York was, until the last few years of his life. Yet the duke of Clarence was held up to public animadversion on account of the proposition now brought forward, although it seemed that his royal highness was not party to it, or even knew that it was to be made on his behalf,—and, although, if it be acceded to, he will not have a greater income than the duke of York was allowed thirty or forty years ago, when his position as heir presumptive was little more than nominal. His late royal highness had also a very large professional income, while the duke of Clarence had a very small one. He would now be exposed to considerable demands for the exercise of patronage and benevolence; and it was, on public grounds, desirable that he should be enabled to maintain in those respects, the character which should belong to an illustrious individual so circumstanced. The nation was interested in maintaining the royal family in a manner to enable the individuals composing it, if they were so inclined, to engage and attract, by their beneficence, the just affection of the people; especially in the case of one occupying the prominent position of the duke of Clarence. Upon these grounds, on a consideration, also, that the value of money was materially diminished since the grant to the duke of York, and that upon the whole result there was a saving to the country, the hon. gentleman said, he felt that he could not, conscientiously or decently, vote against the grant now proposed for the duke of Clarence.

Mr. *Pendarvis*, member for Cornwall, said, that, as he was not present on the last occasion when this subject was before the House, he would take the present opportunity of opposing the vote, as a most indecent, a most wasteful, and a most profligate expenditure of the public money. The House should recollect, that when the sums now paid to the several members of the royal family were voted, the state of our paper currency had rendered them much less in real, than they were in nominal, amount; but now that the currency was restored to a proper standard, those sums were much beyond, in actual value, what would have been voted if the state of the currency had been the same as it was at this day. He thought, therefore, that, if any alteration were made in the grants, it should be that of decrease rather than increase. He wished that royalty should be surrounded with proper splendor; but, at a period when our manufacturers were in a state of distress, and

our agriculturists fearful of becoming so too, he thought it would been more becoming not to have proposed this grant. He would not oppose the Speaker's leaving the chair, but felt it his duty to give his opinion, which was also that of his constituents.

Mr. *W. Smith* said, that an hon. member had expressed his belief, that his royal highness would secure to himself the respect and affection of the country from his mode of expending such grants. This sentiment, however, involved a most enormous mistake. He not only thought it would have been more consistent with good taste not to have brought forward this motion, but he very much lamented that any such sentiment should ever have been uttered. He lamented that any minister should endeavour to infuse into any branch of the royal family an opinion that he would not derive a much greater share of the respect and affection of the people of England, by refusing such a grant, than from any mode of expending it whatever. The virtue that secured respect to princes was a consideration for the distresses of the people. It was true that the 9,000*l.* per annum, divided amongst the starving population would be nothing. If that were any argument for taking such a sum out of their pockets, the broad principle would be established, that the more numerous were the miserable, the greater was the sum you could extort from them. He, however, objected to the grant upon theory, rather than upon practice. Were the sum ever so small, it was a cruel mockery to demand it of the country, when such a mass of its population were on the verge of starvation. He sincerely wished that his royal highness had somebody about him who dared to speak to him the language of common sense and of common honesty. He wished his royal highness possessed a faithful counsellor, who would prevail upon him to send a message to the House, expressive of gratitude for the generous intentions of the Commons, and of his resolution to refuse the grant. In the eyes of the whole nation, his royal highness would then stand upon more exalted ground, than if he were to receive ten times the sum in the best manner that parliament, or rather ministers, could give it. Neither the credit, the honour, nor the respect of the royal family, depended on what was vulgarly called its splendor. It would be magnanimity, it would be real and lasting glory in his royal highness to refuse what the ministers had not the virtue to withhold.

Mr. *Leycester* acknowledged that the distress in the manufacturing districts was great; and if he thought the present grant would take one farthing more from the pockets of the manufacturing population, he would oppose it. But he feared no such result. From whence were the 9,000*l.* to be taken? From the sinking fund And was it not better that that sum should go to his royal highness, by whom a part of it would be spent in charity, and the remainder in the purchase of articles of British manufacture, than that it should be devoted to purposes from which the people would gain no advantage? He thought the grant could be justified; first by the situation, and next by the conduct of the duke of Clarence. By his situation; because, though he was not what was, technically speaking, the heir apparent, yet he approached so near to the throne, that he could be considered in no other light. By his conduct he was intitled; and this grant was, in reality, but a proper tribute of respect from the people towards his royal highness, and an expression of their approbation of his conduct. He spoke of the conduct of his royal highness; because he was not one of those who were of opinion, that the conduct of princes was not a matter to be brought into discussions of this nature.

Mr. *Monck* thought, that if his hon. friend had proved any thing, he had proved too much; since, if the grant of 9,000*l.* per annum would be a benefit to the people, the amount of that benefit would be proportionably increased by a grant of 90,000*l.* For himself, he thought the present grant stood without foundation and support. The present question was not, whether the country could pay this additional sum, but whether necessity required it to be granted; and in this opinion he but adopted the sentiments of Mr. Plunkett, who, in the year 1818, before he was Attorney-general for Ireland, opposed a grant of a similar nature, and stated at the time, that his opposition was not founded upon any question as to the power of the country, but upon his conviction that the grant was not necessary. He now called on that learned gentleman to preserve his consistency, and to oppose the present grant. He thought this grant unconstitutional, and should therefore

oppose it; but he also considered it to be both unprecedented and unnecessary, since, in his opinion, the grant to the duke of York in 1792, was not a precedent for this measure, as that grant was made, not merely on a treaty of marriage between the parties, but on a treaty of alliance between the two countries; and in that instance, too, the princess of Prussia brought a large sum of money as her marriage portion.

Mr. *Calcraft* thought the grant was to be defended, both on the precedents of the duke of York and the princess Charlotte. In the latter instance, the House not only granted 60,000*l.* per annum, which was certainly a very large sum, but they added another sum of 60,000*l.* as an outfit. That grant was made in consideration of her being the heiress apparent; and now that the duke of Clarence was placed substantially in the same situation, he ought to have an increase of his income, in the same manner as other princes had had before him. If the people had a monarchical government, they must expect these calls to support, in a proper degree of splendor, the branches of the monarchy. The present grant, too, was so small in its amount, that he thought that, instead of being extravagant, it was most moderate. He was of opinion, that when royal personages thus changed their situations, they might not merely require an increase of their income, but an outfit; and from some circumstances of the life of an illustrious prince, it might be seen into what difficulties and embarrassments they fell, when they had to begin their expenses entirely upon their income, without assistance of some other sort.

Sir *W. Plunkett* said, he should only think it necessary to trouble the House with a single sentence, in consequence of an observation which had fallen from an hon. member opposite, respecting an opinion of his, given in the year 1818. It was his intention to support this grant; and in doing so, he did not think he was forfeiting his claims to consistency. Indeed, he should adopt the opinion which that hon. member had been pleased to attribute to him, and should claim the benefit of it in requiring that hon. member, as he avowed his concurrence with it, to manifest that concurrence in the plainest manner, by supporting the present grant He thought now, as he had thought in 1818, that the question ought not to be considered merely with respect to the power of the country, or if it was, then it would be decided at once; but with regard to the necessity of the grant. Now, he was of opinion, that the necessity in the present case could not be disputed, and that the duke of Clarence ought to be placed on the same footing as other heirs presumptive had been. He believed, that the people would be ready to acknowledge this necessity; and that each man would as willingly contribute his mite towards this grant as towards any other matter of public exigency.

Sir *T. Acland* said, that he too came under the animadversions from which the last speaker had vindicated himself. In 1818, he had voted as that right hon. gentleman had done. He thought, however, that there was a wide distinction between the present and the former circumstances of the royal duke. He was now next heir to the throne; and no economy could be more false or illiberal than that which would go to circumscribe his income.

Mr. *Beaumont* did not condemn the grant, so much as the breathless haste with which it had been submitted to parliament, and the want of sympathy with the distresses of the people, which it glaringly betrayed. There was no wish on his side of the House to drive the people to despair and madness; but the best mode of doing so would be for parliament to convince them that it had no sympathy whatever with their distress.

Mr. Alderman *Wood* contended, that the expense of this grant would, like the general expenses of the country, fall most heavily upon the lower classes. He was proceeding to detail his reasons for that opinion, when he was assailed by loud cries of "question." He made a short pause, and then turning round to one of the vociferators, said, "Sir, you shall have the question whenever you like, but it must not be till I please. You shall not put me down. I will not be placed in the situation in which an honourable colleague of mine has been placed by the intolerant spirit of the landed faction. I have never interrupted the House, nor given intentional pain to any man in it; and I would ask, whether it is either fair, or just, or parliamentary, that I should be thus assailed in the performance of what I consider my duty?" The hon. alderman concluded by observing, that he should

certainly oppose the grant, because he was convinced that there was not a man, who either drank a glass of gin or paid for a pot of porter, who would not have to contribute his mite towards this increased allowance.

Mr. Alderman *C. Smith* denied that those who drank gin and beer in the manner described by his brother alderman, would feel the effects of this grant in any way whatsoever. He gave it his warmest support.

Sir *R. Heron* observed, that the hon. member for Devonshire had exhibited considerable warmth in denouncing what he was pleased to call false economy; but that hon. baronet had never come forward with any definition of what he considered true economy. He recollected the manner in which the hon. baronet generally voted on all questions of retrenchment, and he would, therefore, be obliged if he would point out to the House the true economy for which he would allow it a vote. His hon. friend, the member for Wareham, had pointed to the grant made to the princess Charlotte and prince Leopold on their marriage, as a precedent which the House ought to follow on the present occasion. Now, it appeared to him at the time when that grant was made, that both the House and the country were in a very extravagant humour. The House had as yet exhibited no symptom of repentance; but the people, he believed, were in a different temper. Let the opinion of the people on that point be what it might, they considered the grant now proposed to be as unnecessary and as extravagant a grant as was ever submitted to parliament; and under that consideration he should certainly vote against it.

The House divided on the question, That the Speaker do now leave the chair: Ayes 99. Noes 15. Majority 84. The House then went into the committee.

List of the Minority.

Beaumont, T.	Rancliffe, lord
Folkestone, lord	Smith, W.
Gordon, R.	Warburton, H.
Harvey, D. W.	Walrond, B.
Martin, John	Wood, ald.
Monck, J. B.	Waithman, ald.
Pendarvis, E. W.	TELLERS.
Pryce, P.	Heron, sir R.
Robarts, A. W.	Hume, Joseph

STIPENDIARY MAGISTRACY IN IRELAND.] Mr. *Villiers Stuart* called the attention of the House to the appointment of a Stipendiary Magistrate at the village of Kilmackthomas in the county of Waterford, under the provisions of the Constabulary act. He had been furnished with a petition with four hundred signatures upon this important subject, from the landed proprietors, freeholders, and magistracy of the county of Waterford, assembled at a meeting convened by the high sheriff. They had not resorted to parliament until they had in vain sought hearing and redress in that quarter upon which they had a most unquestionable claim to earnest attention. The facts were within a narrow compass, but the question was one of general importance; it was not a Waterford or an Irish question only, but it touched the rights and interests of the whole empire, and the stability of the constitution itself. He therefore called upon the House to arrest, in the first instance, one of the most dangerous innovations—one of the boldest attacks upon the pure administration of justice. In March, 1826, the late governor of Waterford called upon the magistracy to take into consideration certain outrages at Kilmacthomas. Opinions were divided, and the magistrates separated into two parties, although both agreed that the disturbances arose out of the spirit generated by the eve of a general election. On the 3rd of April, the first intimation was given of the intention of the Irish government to appoint a resident Stipendiary magistrate. A meeting was held, and it was there carried by a small majority, approving of such a step; but the dissenting magistrates signed a protest, declaring that it was unnecessary, on account of the peaceful character of the county, on which it was inflicting a heavy burthen. Very soon afterwards a letter was received from the right hon. gentleman opposite (Mr. Goulbourn) announcing that the appointment had been actually made. On the 12th of April a county meeting was held, and resolutions, strongly disapproving such a course, were agreed to; and a memorial, in which they were embodied, was presented to the lord lieutenant, by the high sheriff of Waterford. An intimation was then given, that the subject should be taken into immediate consideration. Seven months having elapsed, and no answer being returned, the county naturally felt indignant at the disrespect with which it was treated; and despairing of justice from so motley a body

as the government of Ireland, a public meeting, under the authority of the high sheriff, was held on the 14th of November, when the petition to parliament, with which he was intrusted, had been agreed to.—Such were the brief facts, and the House would not fail to recollect, that the meeting of the 3rd of April, which took place at Dungarvon, was on the eve of a general election, in a county which it was known was to be contested. At such a time, when it became the Irish government to close its ears to all party representations, it had thought fit, listening to the representations of one party, and remaining deaf to the remonstrances of the other, to make the appointment of a Stipendiary magistrate, as a mere mockery of and satire upon the administration of justice. The object seemed to be, to counterbalance the popular feeling at Kilmacthomas. Had robberies, murders, the burning of houses and villages, the midnight seizure of arms, been committed in that district? No: and the House would hear with surprise and indignation, that at the moment chosen by the Irish government, the county had been free from every thing that could be fairly called disturbance. On the approach of a general election, no doubt there was a certain degree of excitement; some foolish old women, not certainly as wise and prudent as the right hon. Secretary for Ireland, had furnished children with a few faggots for bonfires, and drums, and the abomination of penny trumpets were in request among the younger inhabitants; but only in two instances had the peace of the district been more seriously disturbed, than by these juvenile processioners. Even those two instances were deemed of too trifling a nature to need further inquiry; and the calendar afforded irrefragable testimony of the general tranquillity of the county. No doubt the right hon. Secretary would contrast the state of the county of Waterford at such a time, with the calm and quiet of the archiepiscopal borough of Armagh, which had the good fortune to have him for its representative. But such unanimity could not be expected in all parts of Ireland, and if the right hon. gentleman himself had never stood on the popular interest, the lord lieutenant, before he was exalted to the peerage, had had some experience of the violence of party feeling during a general election. It could not be said, that such an appointment was necessary from the want of resident magistrates, for within four or five miles of Kilmacthomas there were many justices of the peace, ready at all times to discharge the duties imposed upon them by the commission. As matters now stood, the county was called upon to pay 800*l.* a-year for an individual to reside among them, whose interest it was, for the sake of keeping his place, to produce division and disturbance. The experiment tried at Kilmacthomas was dangerous and unconstitutional, and in opposition to the statutes of Edward 3rd, Richard 2nd, and Henry 5th and 6th, passed expressly to preserve the purity and independence of the magistracy. The 13th Richard 2nd provided, that justices of the peace should be chosen from men who were the most worthy, and of the best reputation, while the 18th Henry 6th declared, that no man should be a magistrate who was not possessed of a certain qualification. The only qualification now required was, that of pleasing the right hon. Secretary and the Lord-lieutenant, and political accordance was a strong ground of recommendation. Had there been no resident magistrate within fifty or sixty miles of Kilmacthomas, the case would have been quite different, and the appointment excusable; and as it was, it would have had some warrant if there had been any disturbances seriously calling for the interposition of the police. The only outrage at all deserving notice had occurred within the last fortnight, but that was not within thirty miles of Kilmacthomas. In order to put the House in possession of the necessary information upon this subject, he would move for a copy "Of the certificate of magistrates petitioning for, and of the memorial of the county of Waterford against, the appointment of a Stipendiary magistrate for the district of Kilmacthomas, in the county aforesaid."

Mr. *Goulburn* said, that after the manner in which the hon. member had arraigned the conduct of the Irish government in the particular instance alluded to, and after the efforts, not only of the hon. gentleman's argument, but of his humour—which latter he could assure the hon. member he took in perfect good part—after all this he felt himself called upon to advert more particularly to the circumstances of the case, with a view to explain to the House, and vindicate from the aspersions which had been cast upon it, the course which the Irish government had, in this

instance, thought it necessary to pursue. He could not but say that the allegations of the hon. member appeared to him somewhat extraordinary. He had heard of governments being blamed for not adopting the necessary measures to suppress outrage when disturbances existed; and he had also heard governments arraigned for making use of unconstitutional measures for their suppression; but he believed this was the first time that a government had been ever called to account for applying measures which were pointed out by act of parliament, to the suppression and prevention of acts of violence arising, or likely to arise, in a moment of public excitement. The fact was, that the appointment of a Stipendiary magistrate had been recommended by the county magistrates assembled at quarter session. Was it improper that the lord-lieutenant of Ireland should take the recommendation into consideration? At the Waterford sessions, several of the magistrates determined to apply for the appointment of a Stipendiary magistrate for the district of Kilmacthomas; and, with their request, the lord-lieutenant thought proper to comply. The hon. member had said, that this appointment was made in reference to the approaching election for the county of Waterford, and with a view to favour one of the candidates; but he was sure the hon. gentleman would not have made such a statement if he knew any thing of the feelings or the principles which directed the policy of the noble lord at the head of the Irish government. Had the hon. member for a moment considered the measures (to say nothing of the character) of that distinguished nobleman, he must have arrived at a very different conclusion; and he now defied the hon. gentleman to bring forward the slightest proof of any one measure of the Irish government having been suggested by a wish to influence the election of one candidate or the other. Further, the hon. gentleman was the very last individual from whom he should have expected such a charge to emanate; for, if there was any one individual who had been more attended to than another by the Irish government, it was himself. He called upon the hon. member to say, whether his communications and suggestions had not always met with attention and respect from the noble lord at the head of the Irish government [hear! from Mr. V. Stuart.] He was sure, notwithstanding the present attack of the hon. member, that the marquis Wellesley would still continue his feelings of regard and kindness towards him; uninfluenced by the course the hon. gentleman had on this occasion thought proper to adopt. The question was,—Was the state of things in the county of Waterford misunderstood or misrepresented by the magistrates, when they applied to the Lord-lieutenant? and if not, was not the appointment which they recommended necessary? It was unnecessary to detail the state of the county in 1825: for any person in the habit of reading the public newspapers, must know, that during the entire of the year preceding the late election, the whole of the county was in a state, of which individuals, who drew their ideas from the condition of this country, could happily have no conception. The animosity existing between the parties in Waterford was of a most serious nature, and such as could not but be calculated, if unchecked, to injure the peace of the county. It was not confined, as the hon. gentleman would fain lead the House to imagine, to the blowing of penny trumpets, or the beating of two-penny drums: on the contrary, very serious alarm was excited. The hon. member might recollect, that in that part of the county in which his own property was situated, armed parties of twenty or thirty on each side assembled, and were only prevented from engaging in hostile contests by the prompt measures adopted for the preservation of the public tranquillity. In the same neighbourhood an instance had occurred, in which a magistrate was obliged to order the police to attend him, in order to assist him to distrain a tenant for non-payment of rent. Such was the state of things, that a magistrate, in the ordinary discharge of his duty, required the police of the county to be called out, to enable him to check the opposition he was likely to receive Would the House, after this, believe that nothing had occurred at Kilmacthomas beyond the ordinary expression of popular feeling, on the occasion of an election? The House would permit him to detail a portion of a Report received by the Irish government, before the appointment of a Stipendiary magistrate had been determined on. A mob of persons just returned from chairing Mr. Stuart, broke the windows of the post-office at Kilmacthomas, and committed various other acts of violence. Shots

were fired, and two weights, one a half hundred, and the other of fourteen pounds, were thrown violently into the post-master's apartment. This occurred at four or five o'clock in the evening, when it was yet broad day-light. The postmaster was compelled to send to the magistrate, and the police were called in, by whom some of the parties to the riot were arrested. The mob having collected stones, and manifested an intention to use them, it became necessary to call out the horse police, and it was thought that the entire police of the county would be necessary to quell the riot. Such was the state of things in Waterford, when the magistrates thought proper to meet to consider what measures should be adopted. If any additional argument were necessary to prove how requisite it was to appoint a Stipendiary magistrate, the proceedings of these very magistrates themselves furnished it. The first thing that happened when they assembled was, that the magistrates, being all of them in the interest of one or other of the candidates, could not consult together on the subject, to discuss which they had assembled, but immediately determined on sitting in separate rooms. This conduct would naturally lead the people to suppose, that parties so opposed in principle, as to be unable to sit in one room, could not be free from partiality. When it was seen that the friends of the hon. member could not associate with the supporters of the noble lord, his opponent, the natural conclusion would be, that the parties could not act with impartiality, where the interest of their respective friends were at stake. He did not mean to say that the magistrates would have so acted, but it was not unreasonable that the people should imagine that they were so deeply embarked in the interests of each candidate, that they could not act without an improper bias. At the meeting to which he referred, the subject of the appointment of a Stipendiary magistrate was discussed, and eighteen had voted for the appointment of the magistrate, and thirteen against it. What was the lord-lieutenant to do under those circumstances? He had to form his own opinion as to the necessity of the application made by the magistrates. From what had reached the lord-lieutenant, previously, from persons entirely unconnected with the county, he had been led to fear that tranquillity was about to be interrupted. Under those circumstances, he did what any man responsible for the peace of the county must do; namely, agreed to the request made to him, and appointed a resident Stipendiary magistrate.—The hon. member had argued, that this appointment was unconstitutional; but his remarks upon that subject bore the character of an attack on the legislature, rather than on the lord-lieutenant The act of parliament gave the lord-lieutenant full power to nominate a Stipendiary magistrate, when the magistrates assembled in quarter session required the appointment; so that, so far from the act being unconstitutional, it took place under the direct sanction of the law. It appeared to the lord-lieutenant, that immediately to put a stop to acts of violence was a material object; and, accordingly, a person was appointed. This individual was removed from another district, in which he had been previously employed, and placed at Kilmacthomas on a diminished emolument, and with a great probability of increased trouble. The hon. member appeared to intimate, that the high sheriff, and several of the magistrates, entertained no fears that the peace of the county would be broken at the then approaching election. The hon. member was mistaken in his conclusion; for the sheriff was so apprehensive of scenes of violence and outrage, arising out of the political feelings and animosities of the respective parties, that he applied not only for the police of his own county, but also for that of the adjoining one, to enable him to preserve the peace.—He thought the House would be of opinion that the decision of the lord-lieutenant was fully justified, the rather, as he was happy to say, that since the appointment of the magistrate, and from that period down to the end of the election, the Waterford contest had not been marked by those unfortunate circumstances which had occurred in other places. What would be his situation, if he was now standing there to defend the government of Ireland against the accusation of the hon. gentleman, for not appointing a Stipendiary magistrate, in consequence of the application of the county magistrates? How would the lord-lieutenant have felt, if the hon. member could now address the House in this manner—"We knew what would occur, and we forewarned you of it; we applied to you to appoint a Stipendiary magistrate, in order to prevent the

scenes of violence which we were aware would ensue. You refused. You are responsible for the violence and deaths which have occurred." What defence could he have made in that case? If the government had erred, it had erred on the side of caution; and it was satisfactory to know, that the measures adopted had had the effect of keeping the county of Waterford free from those scenes of violence which were experienced elsewhere. The hon. member complained of the expense of 700*l.* a-year entailed by this appointment on the county; but the appointment was never intended to be otherwise than temporary. Subsequent to the election, it had only been continued, because the best-informed persons were of opinion, that though no outrages were then committed, yet, as a matter of precaution, it would be right to keep the Stipendiary magistrate in the county during the winter, in order to prevent any possible breach of the public tranquillity. Again, as to the subject of expense: if the appointment had the effect of keeping the peace, the expense was a matter of minor consequence; for even in a financial point of view, it would be much better that the county should pay 700*l.* a-year to the magistrates, than 1,000*l.* on presentments, for the reparation of outrages and injuries. The question was, would the county be more willing to pay these items than the salary of a magistrate, who, in all probability, prevented the recurrence of acts of the description to which he had alluded? He thought it was scarcely necessary to go further into the discussion after what he had stated. His principle was, that it was better to prevent the commission of crimes than to provide for their punishment. It was much better to do so than to wait till the outrage occurred, and then expend time, money, and trouble, in bringing the perpetrators to justice. He was sure the House would concur with him in thinking, that the course which the lord-lieutenant had adopted was one which it became a wise and prudent government to pursue.

Mr. *Carew* complained of the imputation cast upon the impartiality of the Waterford magistrates by the right hon. Secretary.

Mr. *Goulburn* said, he had cast no such imputation. What he had said was, that the people might naturally conclude that the magistrates would not be impartial, so deeply did they appear interested in the success of one candidate or the other.

Mr. *Carew* thought it an awkward circumstance, that the appointment should have taken place so near the time of election; as if it had been intended for the furtherance of an election purpose.

Mr. *H. Grattan* considered the appointment of stipendiary magistrates and police highly unconstitutional. They might be necessary; but it was only because his majesty's ministers did not keep Ireland in the state in which she ought to be kept. If Ireland were tranquil, there would be no necessity for such appointments; but Ireland could never be tranquil under the present system. The expense of the police in that country was very considerable; and the individuals who composed it, might be almost considered as amenable to no law, for they were not punishable under the provisions of the Mutiny bill; indeed, he understood that their only punishment was dismissal. It was necessary for gentlemen on this side of the water to look to the system in Ireland, lest the evil should approach their own shore. He held in his hand, the private and public instructions given to the constabulary police in Ireland; and it would be only necessary for him to read one or two of them, to put the House in possession of their extraordinary nature. [The hon. member here read one of the public and general, and one of the private orders given to the police. The public order stated, that the police were not to converse on the roads, lest they might be overheard, and the nature of their duty discovered; that they must not divulge the countersign; that two patrols were to walk in advance of the party, lest any mistake should occur; and that, on the approach of any person, they were to demand the countersign. The private order stated, that the police should observe the habits of the people in the neighbourhood and the business and characters of persons newly arriving in the neighbourhood; that great circumspection and secresy should be observed; that they should take notes of every thing that was done in the neighbourhood; and, if they proved themselves to be trustworthy, they should be declared fit for the service.] Such was the system of espionage carried on in Ireland—a system to which the people of England would never submit. It was part of the old system of government in Ireland—

part of that system which left the Catholic without freedom, the Protestant without spirit, and Ireland, herself, without the benefit of a free constitution. He should give his cordial support to the motion of his hon. friend.

Sir *George Hill* was surprised to hear the hon. member for Waterford, designate as unconstitutional, an act done by the lord-lieutenant, under the authority of an act of parliament. He wished to express his decided opinion, that, considering the then disturbed state of the county of Waterford, the lord-lieutenant would, if he had not acted as he had done, have been guilty of a monstrous dereliction of duty.

Mr. *Van Homrigh* said, that, although the annual salary of the Stipendiary magistrate was 700*l.*, not more than 250*l.* of it was paid by the county; the remainder being paid by government. Before the Waterford election, it was well known throughout Ireland, that that county was in a state of great excitement; and when the lord-lieutenant was called upon, by a petition signed by eighteen magistrates, to appoint a Stipendiary magistrate, he was justified in doing so. He believed that justice was never more fairly and impartially administered in Ireland than it had been since the appointment of the marquis Wellesley. But, it unfortunately happened, that the lord-lieutenant was unpopular with both parties in that country. When his excellency administered justice in such a way as was pleasing to one party, he was attacked in the Evening Mail, and when his conduct pleased the other party, he was attacked in the Morning Register.

Mr. *V. Stuart*, in reply, said, that in making this motion, he intended nothing offensive towards the lord-lieutenant or the right hon. Secretary for Ireland; from both of whom he had received great kindness and courtesy, whenever he had had occasion to make any communications to them; but he thought that he should not have done his duty if he had not made this motion. He had heard nothing from the other side to induce him to alter his opinion that the appointment was unconstitutional and uncalled for. He was ready to admit, that a trifling disturbance had taken place at Kilmacthomas; and that, during the affray, a stone was thrown into his carriage; but he did not think it a disturbance of such a nature as to require the appointment of a Stipendiary magistrate, with a salary of 700*l.* a year, whilst there were in the neighbourhood magistrates capable of suppressing it; and he had, therefore, abstained from signing the memorial to the lord-lieutenant.

The motion was agreed to.

HOUSE OF COMMONS.

Monday, March 19.

SUPPLY OF WATER TO THE METROPOLIS.] Sir *Francis Burdett* gave notice, that, shortly after the Easter recess, it was his intention to bring forward a motion regarding the present state of the Water Companies of the Metropolis.

ROMAN CATHOLIC CLAIMS.] Mr. *Abercromby* presented a petition from the Catholics of Abbeyside, in favour of Catholic Emancipation. The hon. member took that opportunity of expressing his regret at the resolution which the House had lately come to on this subject. The news of that vote had created the greatest dismay in Ireland, and had altogether disheartened the friends to the tranquillity of that unhappy country; because it precluded them from any longer holding out the hope that the period would ever arrive when the British parliament would consent to do justice to the ill-treated population of Ireland. This unhappy event had occurred at a peculiarly unfortunate time; when Ireland was in a state of the greatest distress; when the little employment which her poor had ever had was considerably diminished; when the horrors of famine stared a large part of the population in the face; when the events of the late election had not only, as had been stated in that House, broken the connexion between landlord and tenant in Ireland, but had shaken the connexion between the two countries to the very centre. At such a moment, to divest the friends of England of power, and to place that power in the hands of those who cherished no attachment to us, was most alarming. By their late decision, the English parliament had caused the question of the Union to be re-opened, and re-discussed, under circumstances of the most unfavourable nature. What the result might be it was impossible to foresee. For himself, he owned, that he should rejoice if even the present session of parliament were to pass without the

state of Ireland being forced upon the consideration of parliament under circumstances which, while they would be painful to the minority, would be most discreditable to the majority in the late decision.

EDUCATION OF THE POOR IN IRELAND.] Mr. *James Grattan* entreated the attention of the House for a few moments, while he stated the substance of a Petition with which he had been intrusted, from the Roman Catholic Bishops of Ireland, on the subject of Education in that country. The Petition set forth, that the Roman Catholic population of Ireland had not the benefit of the annual grants made by parliament, and that a system of proselytism was carried on by means of these grants. It was a delusion to vote money to Protestant societies for the education of the Catholic poor of Ireland, since it was not fairly applied to any such purpose. If the real object was the improvement of the moral and intellectual condition of the lower orders in the sister kingdom, it would be far better not to place the sums devoted to such an undertaking in the hands of Protestant societies, but under the management of a board, or under the superintendence of the existing commissioners upon education, they being accountable to parliament for the expenditure. Such a course would give general satisfaction. He did not mean to contend that any sum, great or small, should be placed under the control of the Roman Catholics only, for the education of their poor, but societies which only promoted ill blood, jealousy, and animosity, ought to be got rid of as soon as possible. He begged to call the attention of the House to the progress made in the work of education in the last twenty years. In 1806, a commission had been appointed to make inquiries on the subject of education, from which thirteen reports had proceeded. It was understood, that there was to be no religious interference, and the commissioners went through the charter schools, and many others of private foundation. The hon. gentleman complained that these commissioners had not bestowed any animadversions upon the mode in which the charter schools were conducted; but, on the contrary, had recommended their continuance. The whole sum granted during the last ninety years was 1,600,000*l.*; and, for many years, 41,000*l.* had been annually voted for establishments universally condemned by the board of 1824. This commission had been superseded by that now subsisting, to which he thought the thanks of the country were due. Their second report stated the number of schools existing, as not less than 11,000, by which 560,000 children were educated. He felt called upon to say a few words regarding the Kildare Institution, which was the cause of many animosities now prevailing in Ireland, and which had become so extensive as to threaten serious consequences. Last year it had spent in buildings alone 8,000*l.* of the money granted by parliament. He had said, in a former session, that it would be wiser to place the money in the hands of responsible commissioners; and the objection to this suggestion was, that it would interfere with private subscriptions. It was worth while, then, to inquire, to what those private subscriptions had amounted. Last year they were 180*l.*; and the salary of the collector swallowed up 170*l.* of the money. He thought he could show, that since the Union, not less than 120,000*l.* had been annually and unprofitably expended. Many did not scruple to avow, that the object of the principal institution was not to educate, but to Protestantize the people of Ireland, as far as it was possible to effect that purpose. If public money was granted, let it be granted fairly; and it was but due to the people of Great Britain to take care that it was not misappropriated. The hon. member concluded by moving for leave to bring up the petition.

Mr. *Hume* said, that the petition was of the highest importance, recollecting the repeated discussions, during the last ten years, upon education in Ireland. After the House had so liberally granted money for the education of the poor of that country, it was quite preposterous that it should be placed in the hands of individuals, to be applied, not to the instruction of the children of the poor Catholics, but to that of the comparatively rich Protestants. It was impossible to force education on the lower orders of Ireland; especially when the money for that purpose was placed in the hands of individuals, who, the Catholic clergy believed, had views of proselytism. Suspicions of this kind had been entertained for some years, and they were now mo[illegible] materially fortified. It was worse than a waste of the public money, to vote it for a good pur-

pose, and to allow it to be perverted to a bad one. No less than 32,000*l.* had been granted to the Kildare-street Society; but instead of spending it for the benefit of the Catholic population, it had been employed in sowing heart-burnings and dissention. The Catholic clergy naturally protested against allowing children to attend any of the establishments where there was a chance that attempts would be made to convert them. Their convictions were strong, and nothing could overcome their repugnance. If the House was anxious to see the work of education proceed successfully in Ireland, it could only be accomplished by pursuing a plan consonant with the wishes and scruples of the Catholic clergy. He, therefore, entreated the Secretary of State for the Home Department, who was so well acquainted with Ireland, and who professed to take so much interest on the subject of education, not to permit the money to be placed in the hands of those with whom the Catholic clergy would not act. The fair mode would be, to place one sum in the hands of the Protestants, and a larger amount, with the same object, in the hands of the Roman Catholics. The subject was one of the highest importance, under existing circumstances.

Mr. *H. Grattan* said, he was in possession of letters establishing the fact, that there existed a fixed determination, to neglect no means of converting the rising generation to Protestantism. He felt a strong conviction on this point from what had been said elsewhere regarding a new glorious Reformation. If England and Ireland were to go on together—and he hoped the unfortunate measures of ministers would not render it doubtful—the English people and the English cabinet must make up their minds to allow the great body of the Irish people to remain Catholics. Never had a greater imposition been practised upon credulity than to pretend that this new reformation had a chance of being successful. If persevered in, it must end in disunion and calamity. Nothing could be more alarming than the late accounts from Ireland. Letters from Dublin represented, that a sort of religious crusade had already commenced; and that, while in the churches the most vehement abuse was heard of the Roman Catholic faith, the Roman Catholic priests retaliated in their chapels by attacks equally violent upon the Protestant tenets.

Mr. *J. Smith* begged to state it as his opinion, that, if a true reformation of the Roman Catholics was to be effected in the hasty manner pretended by many, all history was a lie, and all deductions from it utterly without foundation. The last four or five hundred years afforded no precedent to show that vehement abuse, and measures of severity, had gained a single sincere proselyte. Conciliation and kindness might do much; but the course now pursued must proceed in discord, and, perhaps, end in actual violence. No man would go further than himself to promote education; but not in the way now adopted by the dominant party in Ireland. The question would come properly before the House when the annual vote for the Kildare-street Society was introduced; but he could not help stating, that some of the reports upon the table contained instances of the most shocking barbarity; and that not a single shilling ought to have been granted, until measures were taken to put a period to such enormities. He heartily concurred in the object of the petition; and he hoped that the good sense of the right hon. Secretary for Ireland would induce him to discourage a course so impolitic and offensive.

Mr. Secretary *Peel* thought he could satisfy the hon. member who spoke last, that after the manifestation of opinion, in which he had not shrunk from declaring his acquiescence, the course pursued by the Irish government was the only one that could have been taken. They selected certain aggravated cases pointed out in the reports, and the law officers of the Crown were directed to prosecute: the cases were sent to a jury in the ordinary manner, but the jury had declined to convict. The Irish government had done its duty; for, although it was apprehended that such might be the result, it was thought right that no means of obtaining punishment should be omitted. As to education generally, he had stated his opinions fully upon the subject, when he was in Ireland. At that period, a proposal had been made to him on the subject, by several persons, to whom he had at once declared, that it was extremely desirable, in his opinion, to diffuse the benefits of education as generally throughout Ireland as possible, without exciting any alarm or jealousy, upon the grounds of religion. In consequence of this proposal, and of the views which he had expressed upon the subject,

a school had been formed, comprised of every sect without distinction, and a sum had been voted for its support by parliament. It had always been his wish that the children of Roman Catholic, and of Protestant parents, should receive their education together. It did appear to him to be of immense importance, that they should receive their education in the same school, and that from the period of their earliest infancy a line of demarcation should not be drawn between them. It was his wish that education should be given, generally and fairly; that both parties should conform to one common plan; that they should receive their instruction from one common source; and that, on Sundays, each sect should imbibe their religious precepts and form of faith from teachers of their respective communions. There were many Roman Catholic children educating at these schools by Roman Catholic masters; and, if any undue attempts were made to convert such children, it was contrary to the original intention and design of the establishment. A system of imparting religious instruction generally, without reference to sects, had been under the consideration of the Roman Catholic prelates, and the prelates of the Church of England. It was the design, that the children should, on Sundays, receive their religious education from the pastors of their respective faiths. He should be extremely sorry to hear that it had been necessary to abandon these schools from any cause whatever.

Mr. *Abercromby* said, that nothing could be more desirable than the practical application of those principles which the right hon. gentleman had stated. The wish that Protestant and Roman Catholic children should be educated under the same establishment, without any reference to the speculative religious opinions of their respective churches, was most excellent, was most wise and benevolent. He spoke from extensive experience when he declared, that the most serious changes had taken place in Ireland, in consequence of the increased spirit of conflicting parties, and which rendered those sound, virtuous, and rational principles wholly inapplicable to that country, divided and wretched as she was. It was education alone that could raise Ireland from her low and helpless condition, and enable her to assume her rank among nations. The Catholic children would, of course, be withdrawn from these schools, unless they could be sent with a confidence, that their religious opinions would not be undermined; and it would be otherwise utterly hopeless to act upon the principles laid down by the right hon. Secretary of State.

Sir *John Newport* said, that whenever the estimates for the Kildare-street Society were brought forward, he would oppose this grant, with a hope of directing its better application.

Sir *W. Plunkett* said, he did not wish to prolong a discussion which would be more properly considered by the House, when the estimates, or the report of the committee of inquiry, were brought forward. He was, however, induced to offer a few remarks, in consequence of what had fallen from his learned friend the member for Calne. He perfectly concurred in what, indeed, no man could dissent from; namely, that it was most desirable to establish throughout Ireland a system of common education. The principle was equally true, that, having a system of common education, it should rest upon some religious basis; for any system of education, which was not founded upon such a basis, was always dangerous. The desideratum, therefore, was a common religious instruction, which each party might receive, without danger or offence to the peculiarities of their faith. Such a plan of proceeding had been seriously sought after by various persons. They had endeavoured to put aside all sources of religious jealousies and disputes; so that every class might frequent the schools for one common and general benefit. This had been recommended by gentlemen of conscience and of the most liberal feelings. But his hon. and learned friend had stated, that the hopes held out of carrying this system into effect had proved delusive. He could not, however, by any means agree with him, or go the length of saying that the project had failed. It was necessary to state, that a system had been formed of general religious instruction, to be delivered to the pupils in common and without distinction. The plan would necessarily exclude all but those fundamental and general principles nearly common to all sects. It was meant to contain extracts from the Bible, including so much of the sacred volume as to constitute an epitome, in which nothing essential should be omitted. He believed

that this scheme of instruction had been approved by the Roman Catholic bishops of Ireland, as one that could be acted upon with perfect safety by their flocks. As far as they were concerned there was no objection. Notwithstanding the unhappy state of the country, which he regretted as much as any man, the scheme had been acceded to by the Roman Catholic clergy; and nothing was wanting to its completion but the acceptance of it by the heads of the Protestant church. He could not believe that the Protestant prelates were unfavourable to so great a national good, or that they were not anxious to promote such a public benefit. He entertained a hope, that a common principle of religious instruction might be devised, and that the children of Ireland would not be prevented from receiving the benefits of education.

Mr. Secretary *Peel* merely wished to say, that he thought the subject of so much importance, that he wished no misunderstanding to go forth, to the effect of creating an impression that any part of the system was to make proselytes. Upon this subject he had only to refer to a Report of the commission appointed for this special purpose—in consequence of an address of that House. In this commission were to be found the names of Mr. Frankland Lewis, Mr. Grant, Mr. Leslie Foster, Mr. Blake, and other gentlemen of intelligence and honour, who embraced either side of the question. The commissioners had entered into the system of the Kildare-street Society referred to in the present debate. The question had been proposed to the commission, Whether the system or practice of the Kildare-street Society was or was not, to make converts of the Roman Catholics to Protestantism? The commissioners had reported that "No fact has come to our knowledge to lead us to doubt their own repeated disclaimers of having any such intention." Mr. Donelan had declared, that if any such design had been entertained by the Society, he would not have acted as the inspector of the schools, and that he had performed that duty, because he was convinced that the association had no intention of pursuing any system of proselytism. They had even protected Roman Catholic children as far as was consistent with their laws. The schoolmaster and mistress of the Society's Model School at Dublin were Roman Catholics. The charges against the Kildare-street Society were grossly exaggerated. He could only say, that if that society had ever attempted a system of proselytism, it had greatly departed from its original principles, and from the designs for which it was established. As to the Roman Catholic priests interrupting these schools, it was not fair to draw, from one or two individuals, an inference prejudicial to the Roman Catholic clergy in general. Out of sixty Roman Catholic clergymen, fifty-three had approved of the school system, and had offered to give it every facility in their respective districts.

Mr. *Spring Rice* said, he thought that the Society was, from its principles, utterly disqualified to undertake the care of the education of children in Ireland. He made this assertion with sincerity; but at the same time with much reluctance. The hon. member for Waterford had declared his intention of moving, that the subject of education in Ireland should be referred to a select committee. He trusted that the House would then indulge him with a patient hearing; for he was convinced that there were no means of acquiring any moral influence over the people of Ireland, but by establishments of public education. By the present system, boys in early life would be told, when they associated at school, that no difference existed between them, on account of their religious opinions; but when they arrived at the age when the passions were strong, they would be told, that a great difference did exist, and that those who were Catholics must go on one side as a disqualified, proscribed race. A system of divided education was certainly a great evil; but it was the necessary consequence of a divided people, and of divided institutions.

Colonel *Trench* trusted that the Kildare-street Society were not lending themselves to any system of proselytism. He believed that the mistaken zeal of those benevolent persons who endeavoured to make proselytes was the great impediment to the diffusion of education, upon which mainly depended the welfare of the country. The Roman Catholic priests, who were favourably disposed to public instruction, had often been controlled by their bishops; and those bishops had been guided by orders from the pope.

Ordered to lie on the table.

SHIPPING INTEREST — NAVIGATION

LAWS.] Mr. *Baring*, on rising to present a Petition from the Ship-owners of the City of London, observed, that the subject of this Petition—the changes that had lately been made in the Navigation Laws of this country—was one of vital importance to the nation, as there was great reason to fear that if, by any accident or false legislation, this country suffered other nations in this respect to get the start of her, it would be exceedingly difficult, if not altogether impossible, to regain her position. He took that opportunity, therefore, of asking the vice-president of the Board of Trade, whether it was the intention of government to grant a committee of inquiry upon this subject? He felt himself perfectly unprejudiced; as he acknowledged that he had been one of those who had called for the alterations, respecting which he had since seen some reason to change his mind. He entirely concurred in a sentiment delivered by his right hon. friend, in the very eloquent speech with which he had introduced the bills on this subject, that in carrying into effect experiments founded on untried theories, the best and wisest men might be led into mistakes. The hon. gentleman then proceeded to express his conviction, that some inquiry was necessary into the state of distress which prevailed among those engaged in the shipping trade, for the purpose of ascertaining whether that distress really proceeded from the measures which had been adopted, or whether it was not the consequence of that general stagnation of trade which had, more or less, affected all the other branches of national industry. If it could be really proved before a committee, that the present state of the shipping trade resulted from the measures which had been adopted by his majesty's government, and that if those measures were persisted in, the distress must go on increasing, then it was obvious, that, unless they turned back from the course which they had been pursuing, it would be impossible for this country to compete with foreigners, either in the shipping or carrying trade. After several other observations, which were delivered in too low a tone to reach the gallery, the hon. gentleman concluded by expressing his conviction, that it had been proved beyond contradiction, that ships built in Great Britain cost just as much again as those built in Germany; in short, that every thing necessary to send a ship to sea, cost double what it could be purchased for in that country. Under these circumstances, he certainly did think that some inquiry by a committee ought to take place as soon as possible. Nothing could be more censurable than the conduct of government with respect to that great and important question. The apathy which they had displayed for the last two or three weeks, upon that and almost every other subject, was to him a matter of astonishment. How the country was to go on, if it could be proved that it was not able to support itself as a maritime power, he was unable to understand; and he did hope that the House would press the subject upon the immediate attention of government. They seemed, indeed, to be at a stand-still for some time, on account of the want of a prime minister; and he hoped, if something was not done, and done speedily, to give an energy to the proceedings of the government, that some independent gentleman would move an address to the Throne [hear!], for the purpose of ascertaining what course was intended to be pursued, and hastening the appointment of those men who were to regulate the proceedings of the government [hear].

Mr. C. *Grant* begged not to be supposed to assent to the propositions of the hon. member, if he abstained from following him through the various subjects he had touched upon. All he rose to say was, that his right hon. friend, the President of the Board of Trade, was exceedingly anxious to take the earliest opportunity which his health would allow of, to bring the subject under the consideration of the House. He begged, at the same time, not to be understood as pledging his right hon. friend to adopt any particular course. He was not authorised to make any declaration on that subject by his right hon. friend. He merely begged to be understood as declaring, that he would take the earliest opportunity of putting the House in possession of the views of his majesty's government upon the whole question connected with the Shipping Interest of the country.

General *Gascoyne*, after having postponed his motion so frequently, in order to have the opportunity of hearing the sentiments of his right hon. colleague (Mr. Huskisson) upon the great question which it involved, felt strong reluctance to bring it forward in his absence. As he understood, however, that his right hon. colleague

was most anxious to be present, he thought, under the present circumstances, that it would be most beneficial to all parties if he postponed the motion of which he had given notice, until after the Easter recess. He now begged leave to give notice, that he would bring the state of the Shipping-trade under the consideration of the House, upon the 1st of May.

Mr. Alderman *Thompson* was willing to admit, that great distress prevailed among the ship-owners; but he very much doubted whether it was in the power of parliament to afford them any relief. It was his opinion, that the alteration in the Navigation Laws, which was said to be the cause of all their distress, had not injured the ship-owners to any thing like the extent which was supposed. That distress, he feared, was but a part of the system of overtrading, which had, more or less, affected all the interests of the country. It was a matter well worth the attention of the House, that the shipping had not fallen off in number of vessels or extent of tonnage, since the alterations which were now decried as the sole cause of all their misfortunes. The shipping interest, like every other, had been affected by the late spirit of overtrading; and, although he entertained serious doubts whether any remedy could be applied by that House, he had no objection to an inquiry before a committee.

Mr. *Peel* deprecated discussion at the present moment, and hoped that members would abstain from making any precipitate pledges, as to the course which they would take.

Mr. *Baring* said, of this he was convinced, that the shipping interest could not remain in its present state. Either something less should have been done, or something more should now be done. He did not know what would become of the country, if we did not maintain our commercial superiority.

Mr. *Warburton* said, he had observed no indications of that division of opinion in the cabinet, which the hon. member for Callington stated to exist, with respect to the liberal system of commercial policy lately adopted by government. On the contrary, he had observed—and it had given him much satisfaction—that all the members of government had concurred in stating their determination to continue to act upon the liberal principles which they had avowed. He thought it right to say thus much, because the statement of the hon. member was calculated to give weight to the anti-liberal party, if any such existed in the government.

Sir *T. Lethbridge* said, it might be the wish of ministers, but he doubted their ability, to follow up the liberal system in all its bearings. It was with some surprise that he had listened to the observations of the hon. member for Callington that night, because he recollected that, three years ago, on presenting a petition to that House, the hon. member had called upon government to carry into execution those very principles which he now so strongly objected to [hear, hear]. For himself, he entertained the same opinion which he at that time expressed; namely, that it was impossible for this highly-taxed country to follow up the system of free trade. The distress of the ship-owners arose from this circumstance—that the protection which they formerly enjoyed against the competition of foreign shipping had been withdrawn. Nobody could desire more than himself to see the President of the Board of Trade in the House again; but he thought the question was one which ought not to be postponed on account of the absence of any individual. He trusted that the hon. general would not postpone his motion beyond next week; for he knew well the anxiety which was felt on the subject, and the vital interests which were at stake.

Sir *E. Knatchbull* said, that if the motion were postponed to the 1st of May, the appointment of a committee at that period would be useless, so far as regarded the present session.

Mr. *Baring* said, that the question of time was of great importance, and for that reason he was desirous of learning from the vice-president of the Board of Trade, whether ministers intended to oppose the appointment of a committee. If ministers were resolved not to grant a committee, it did not much matter when the motion was made; but if the contrary was the case, it ought to be brought forward immediately. He recommended ministers to turn the matter in their minds, and to state their decision, not that night, but to-morrow or the next day. If that decision should be in favour of the appointment of a committee, it might be immediately nominated, and the subject could then be calmly and dispassionately investigated.

General *Gascoyne* observed, that if

ministers intended to accede to his motion, there would be no necessity to postpone it; but, if otherwise, he would not bring it forward till the time he had stated.

Mr. *Sykes* thought that the motion should not be postponed to so late a period.

The *Chancellor of the Exchequer* said, that without pledging himself as to any particular course which the government might think it advisable to adopt, when the motion should be submitted, he begged to state, on the part of himself and his right hon. friends, that their wish was that the gallant general should take exactly that course which he considered most convenient to himself, to the petitioners, and to all the parties interested. If the gallant officer should fix upon a time when his right hon. friend, the President of the Board of Trade, should, from ill health, be unable to attend, he undertook to say, on the part of those about him, that they would, though deprived of the assistance of their right hon. colleague, endeavour to give the best explanation in their power of the views of government upon the subject.

General *Gascoyne* said, that after what had fallen from the right hon. gentleman, he would postpone his motion to the 29th instant.

Corn Laws.] The House again resolved itself into a Committee, to consider further of the Corn Trade Acts. On the resolution being put, "That whenever the average price of Rye, or of Peas, or of Beans, made up and published in manner required by law, shall be 35*s*., and under 36*s*. the quarter, the duty shall be, for every quarter, 15*s*. And in respect of every integral shilling, by which such price shall be above 35*s*., such duty shall be decreased by 1*s*. 6*d*. until such price shall be 45*s*. Whenever such price shall be at, or above, 45*s*. the duty shall be, for every quarter, 1*s*. Whenever such price shall be under 35*s*., and not under 34*s*., the duty shall be, for every quarter, 16*s*. 6*d*.; and, in respect of each integral shilling, or any part of each integral shilling, by which such price shall be under 34*s*., such duty shall be increased by 1*s*. 6*d*."

Sir *John Brydges* said, he was anxious to say a few words, and they should be a few words only, not having hitherto had an opportunity to express his opinion upon the subject under discussion. But before he proceeded to the observations he had to make, he should take that opportunity to declare the just indignation that he felt, and he trusted the whole House felt, at the libel upon the landed interest of England, uttered by the noble lord, one of the members for the county of York, in the debate upon this question the other night; and which, to this moment, he had had no opportunity to protest against [cries of order!]. He should abstain, then, from further observation, and would now advert to the question. As a friend to agriculture, he lamented his majesty's government had thought it expedient to propose a fundamental alteration in the Corn-laws. He preferred the old system to that which it was intended to substitute for it. If there were errors in it, he would have corrected them; but he would not have destroyed it. The principle of the resolutions he did not approve of, considering them injurious to agriculture; and it was his conviction, from the date of its adoption, that the sun would no longer shine upon the landed interest. Notwithstanding his declaration, it was not his intention to oppose the measure, though he might suggest some alterations, which he might consider improvements, in its progress through the committee. He resigned his humble opinion to the better judgment of that great statesman, from whom we were told this measure had emanated, and who, by the awful visitation of Providence, was unhappily removed from the councils of the nation—but he hoped in God only temporarily removed. A right hon. member, the Vice-president of the Board of Trade, who spoke in the debate a few evenings since, had stated it to be his opinion, that the depression of agriculture, which was at one time heavy, had subsided, and that a favourable re-action had taken place. It was not for him to controvert that assertion, as the right hon. member must possess the best source of information. Granting, therefore, that it was so, yet it was no proof of prosperity; every one knew that, without manure, more or less, no good crops could be obtained. So reduced had been the farming interest, that the cultivators of the soil were, at one time, unable to furnish the necessary and accustomed help, and, from poverty, were starving their lands. But when they arrived at the period when, from want of manure, the lands were bringing starva-

tion upon themselves, they were compelled, at whatever loss, to seek manure, in hopes of getting some return, instead of getting nothing. This might account, if the fact was so, for a renewal of importation. The bonding system, as it now existed, he considered very destructive to British agriculture. It enabled traders and speculators to pour in—under regulations, he allowed —an unrestricted quantity of grain, by which means the markets were constantly, he might say permanently, over-stocked, so as to keep the British grower always in a state of subjection, never allowing the tide to run long enough in his favour to reimburse him for depression. He wished to see the quantity permitted to be taken out of bond at any one time limited; which would afford more protection than there was at present. In conclusion, he repeated how much he lamented the introduction of this measure, considering it as a fatal injury to the agricultural interests of the kingdom; and, through these, detrimental to all the other interests of trade, manufactures, and commerce; for one, as had been truly said, could never flourish when the others were in decay.

Mr. *Gipps* said, he did not think that the averages had been preserved in respect to rye, as compared with wheat. They were, in the present instance, too low, and he would move, as an amendment, that 40*s*. be substituted for 35*s*.

Mr. *Western* complained, that the proportion formerly observed between wheat and other grains had, in this instance, been departed from. The usual proportion of price was two thirds; but they had lowered the price of rye to 35*s*., and increased the duty to 15*s*., three-fourths that of wheat. He wished the duty to be reduced to 12*s*. 6*d*. or 13*s*., and the price to be raised to 40*s*., and recommended the hon. member to adopt his suggestion in his amendment.

Mr. *C. Grant* said, that in rye, peas, and beans, as in oats and barley, the averages of the last six years had been resorted to, with a view to regulate the price, and the result was what had been laid before the Committee.

Mr. *Wodehouse* said, that the resolution proposed left the farmers without any remedy, in the event of a losing crop. Now, the fact was, that every crop of the last year, except that of wheat, had been a losing crop. He would support the amendment.

Sir *E. Knatchbull* thought, that the whole calculation of ministers had been upon erroneous principles. The average taken had been that of the last six years: now the fact was, that during the whole of the last six years, the agriculturists, instead of making a profit, had been growing to a loss. The course of ministers ought to have been, not to consider the average, but to ascertain what was a fair remunerating price.

The *Chancellor of the Exchequer* said, that the question, though it lay in a narrow compass, was an important one; but the course of the hon. gentlemen connected with the landed interest placed government in rather an unfair situation. When it had been proposed to rely upon the average of the last six years, in the case of the oats and barley, the hon. gentlemen were quite agreed; because that gave them a better rate than under the old rule they would have obtained: but now, upon the rye and peas, when the weapon cut a little the other way, they wanted to turn about, and said, "Let us calculate upon the old principle." Now it was at least fair that the course pursued should be uniform; and certainly, that taken was one by which the landed gentlemen did not suffer.

Mr. *Calcraft* contended, that every case should stand upon its own merits, and that it mattered little what was the average price of the last six years, if that price afforded no remuneration to the farmer. Now he contended, that it was the duty of the House to enable the grower to sell his corn at the lowest possible rate. The circumstances of the country were such as to call for as cheap a supply of corn as it was possible to obtain. But how was it possible to have cheap corn from the farmer, if his rye and his beans were a continually losing crop? Let the farmer have something like profit on those two articles, and then he could afford to give the corn on more moderate terms.

Mr. *G. Robinson* trusted, that it was not the intention of ministers to give way upon this point, as they had done in the case of oats and barley. The landed gentlemen should recollect, that there were other interests to protect besides their own.

Mr. *Cripps* said, that the agriculturists and manufacturers hung together, and it was impossible to depress either, without injury to both. The manufacturers had never been worse off than when corn was

low. The first object was to employ the community. He thought the alterations introduced into the original resolutions, by ministers, had been made in accordance with the voice of the nation; and for having acceded to opinions so generally expressed, they deserved the thanks of that House. For his own part, when he first saw the original resolutions, he said that the resolution respecting rye, peas and beans was the result of some mistake, and that he hoped some alteration would be made.

Mr. *Whitmore* hoped that the committee would not be led away by the supposition that the alteration proposed was of a trivial nature. He trusted that ministers would persevere in the original resolution.

Sir *T. Lethbridge* contended, that there ought to be an alteration in favour of the home-grower, and that the resolution, as it now stood, could not be agreed to without injuring the agricultural interest. A great deal had been said about the conduct of landed gentlemen; but he begged the House to recollect, that they were there upon their defence, and that they would not do their duty if they did not watch every item of the resolutions.

Colonel *Wood* said, that the importation of peas and beans was not worth talking about. He put it to the hon. member who had proposed the amendment, whether it was worth while dividing the committee upon it.

Sir *T. Gooch* denied that the quantity of peas and beans grown in England was trifling. Two thirds of the land in England were capable of producing that crop, which was generally sown as a preparation for a wheat crop, and it was called by farmers the "golden crop;" but if the political economists were to carry their point, that crop must be henceforth called the "copper crop." He gave his hearty concurrence to the amendment.

The committee divided: For the amendment 102. For the original resolution 150. Majority 48. The resolution respecting wheat, meal and flour, viz., "for every barrel being 196lb., a duty equal in amount to the duty payable on five bushels of wheat," was then put;

Sir *J. Newport* proposed as an amendment, that the following words should be added to the resolution, "and also a duty not fluctuating of 4*s.* on each barrel of 196lb. at all times." The hon. member said, that he made this proposition in order to confer a benefit on the lower classes. If grain was imported, the worst and middlings went to support the poor; when flour was imported, it was of the best sort, and consumed exclusively by the rich. In the first instance, our own poor derived the benefit; in the latter, the poor of other countries derived it. He was sure that the House would not give away this benefit to foreign countries.

Mr. *Frankland Lewis* called the attention of the committee to the scarcity which prevailed in 1801, and hoped that they would not adopt any system, but one that would work in all seasons—in seasons of plenty as well as scarcity. If they did, it would certainly break down. Millers, from the very nature of things, possessed a monopoly. He knew it to be a fact, that during the great scarcity in this country, when the quartern loaf was at 22½*d.*, some large purchases of flour had been made, the market price of which would have brought the loaf to only 18*d.* This was the open competition price. It would not, therefore, be wise to shut up the trade in flour, by charging a high duty on that article. It was well known, that many of the corn-factors' shops in and about town were the property of extensive millers; and if the House left the public exposed to the combination of these capitalists, they would have occasion to rue it. Competition was the only security against such effects. The milling trade was by no means free: for all the sites for wind and water mills were already occupied. He hoped the House would guard against such monopoly.

Mr. *Irving* said, that considering that the manufacture of flour was of great importance, that a large capital was employed in that manufacture in this country, and that it was a staple manufacture in the sister kingdom, it behoved the committee to take care how they interfered with that trade by permitting the importation of foreign flour. He gave his unqualified support to the amendment.

Mr. *Spring Rice* thought the amendment proposed by his right hon. friend was fair and reasonable. If the importation of foreign flour were sanctioned, upon payment of the duty stated in the original resolution, the consequence would be that the difference between the freight of wheat when imported raw, and when manufactured into flour, would reduce the protection price of wheat from 60*s.* to 56*s.* 6*d.*

per quarter. There was another view to be taken of the case. The establishment of mills in Ireland had been a great means of promoting the culture of wheat; and the substituting that grain for the potatoe, as a general article of food, was said on all hands to be a great step towards raising the moral character of the Irish peasantry. But, by this encouragement to foreign flour, the milling interest in Ireland would be wholly ruined. The great support of that interest had been the supply of the English market. He called, therefore, upon those gentlemen who were friends to these new measures to be consistent, by giving the same protection to flour which was already given to wheat. The proposition of his right hon. friend was not only fair but moderate. He should regret the failure of this corn question as a great national evil; but if it was disfigured by inconsistencies and unjust partialities, he must raise his humble voice against it. All he wanted was fair play for the agriculturists of Ireland, upon the recognised principle on which it was conceded to the same class in England.

Mr. *C. Grant* felt great reluctance in opposing the amendment of his right hon. friend; but he thought the subject had not been rightly understood by the committee. For a long period, the duty on wheat and on flour had been unequal; the disproportion had always been in favour of foreign flour. The resolution went to enact the same duty on flour as on the wheat which would produce it. The resolution said, that 196lb. of flour should correspond with five bushels of wheat. Strictly speaking, from eight bushels of wheat, 336lb. of flour ought to be produced; but the resolution assumed that eight bushels of wheat yielded only 313lb. of flour: the five bushels of wheat were assumed as equal to 196 lb. of flour, when in fact they were equal to 210 lb. By the existing law, when wheat paid a duty of 20*s.* flour paid 5*s.* 5*d.*; but by the present resolution, it would pay 7*s.*, being an increase of from 20 to 25 per cent. Could a larger protection be given than this? The complaints of the millers were, he thought, unreasonable. They had the grinding of 15,000,000 of quarters annually; and because there was a prospect of 80,000, or say, 200,000 quarters of foreign flour being imported, they became discontented. With respect to Ireland, she had the advantage of being close to the market, into which she could pour her produce with facility; whilst the flour of the United States, the competition of which was feared, had to cross a large extent of water. Yet Ireland wished for a prohibition against the importation of foreign flour. This prohibition had been withdrawn last year, through accident, rather than design; and he believed there was no objection to restore it. But where was the necessity? Irish flour might be bought for 35*s.* the barrel; and he found from a price current, that American bonded flour was 25*s.* and 26*s.*, subject to a duty of 15*s.* or 20*s.* There could not, therefore, be a more complete protection. No other country besides the United States could enter into a competition with our market; and she had not much to send. The largest importation of American flour was in 1817, and that was only 100,000 barrels. By a statement which he had received from a person of eminence in the American trade, he found, that the barrel of American superfine flour was six dollars; which, with the charges for freight, insurance, &c. was equal to 1*l.* 13*s.* 9*d.*; adding the duty of 1*l.* 4*s.*, the cost would be 2*l.* 17*s.* 9*d.* The difference between that and wheat was only 9*d.* Our relations with the United States rendered it a very questionable policy to add a further unnecessary protecting duty upon her flour, which would operate as a complete prohibition.

Sir *J. Newport* asked why, if the right hon. member's reasoning were correct, a prohibitory duty had been laid on the importation of American flour into the British West-India Islands?

Mr. *Whitmore* objected to the amendment, on the ground that it did not apply to any particular price. He was sure if an additional duty of 4*s.* were imposed, that supply would be cut off which was of much importance in the policy of this country. He agreed that a monopoly to a considerable extent was possessed by the millers in this country, and that it existed particularly in a time of dearth; when they were able to make very advantageous terms for themselves. Surely, then, if no competition was to be entered into with those millers, the effect would be to increase that monopoly. Under these circumstances he trusted the government would remain firm to their original proposition.

Mr. *Moore* said, that the milling inter-

est in Ireland was entitled to protection, because it had been fostered by various legislative enactments, and a great capital had been extended to increase and to spread it.

Mr. Secretary *Peel* said, that when a proposition was made the other night for increasing the protection on barley and oats, he assented to it, because he thought that the question had not been fairly considered; but, as he now thought that there were no grounds for the amendment of the right hon. baronet, he would support the proposition of government, no matter in how small a majority he might be left. His right hon. friend had stated, that the present bill would place the duty on wheat and flour on an equal footing, and that previously it had been most unequal; the duty on wheat being 12*s*., while that upon the quantity of flour produced from it was only 9*s*. 9*d*. The resolution not only went to this extent, but it estimated the quantity of flour produced from a quarter of wheat at 313lb. only, whereas, in fact, it produced 336lb. Could a greater protection, then, be expected than this resolution would grant? Let the quantity of flour imported into this country be compared with the quantity of wheat, and it would be seen how little proportion the one bore to the other; either because of a greater danger that was apprehended in the exportation of flour, or from some other cause. Now, the House was called upon to fix an undeviating and rigid duty of 4*s*., applicable under all circumstances and changes to foreign flour—a course to which he could not give his sanction. He did not believe, that the quantity of flour imported into this country by America, could ever in any way injure us; but he felt that, if the House did prevent the importation of almost the only article we obtained from that country; if it did appear to say, that it availed itself of the first opportunity of excluding the only article they were enabled to send us, America would conceive the measure to arise from some lurking animosity, and this country would lay itself open to the danger of retaliation; which would infinitely outweigh any evil that might be dreaded by our millers.

The committee divided: For the Amendment 116. For the original Resolution 152; Majority 36. The rest of the resolutions were, after some conversation, agreed to.

HOUSE OF LORDS.

Tuesday, March 20.

NAVIGATION LAWS—STATE OF THE MINISTRY.] The Marquis of *Londonderry* presented a Petition from the Master Ship-carpenters, Rope, Sail, and Mast makers of Sunderland, in the county of Durham, against any alteration in the Navigation Laws. He stated, that those laws under which the shipping interest had been protected were now to be put aside; and he certainly wished to know where the changes in the fundamental principles of the constitution were to end. Those fundamental principles had been changed in many very serious and important points. When untoward fate took away a much lamented statesman, a beloved relation of his, the councils of this country, both at home and abroad, were directed on principles of perfect security, through all parts of our establishments. Both as regarded foreign and internal policy, the Navigation act of Charles 2nd had been infringed upon, step by step, and he did not know to what extent these new experiments might go. It, therefore, became the duty of persons connected with the shipping interest, and also of those who were connected with landed property, to see if any stop was likely to be put to these new experiments. He hoped the time was not far distant when he should know who was at the head of his majesty's government, and see upon what principles it was to be conducted. At present, there was a schism in the government which he should be glad to see healed. It was a melancholy circumstance, that at the time when an illustrious individual had been prevented, by the decree of Providence, from attending to his duties in parliament (which no man could lament more than he did), to think that, by the decree of the same Providence, those individuals who ought to be at their post answering for all those principles, were equally unable to attend. He hoped that the illness of the Secretary of State for Foreign Affairs, and of the President of the Board of Trade, would not be of long duration; and that the country would soon have a government to which it could look up with confidence. Unless something was soon done with respect to the state of his majesty's government, he should feel it to be his humble duty, possessed as he was of inferior abilities, to ask a distinct question upon the subject.

ROMAN CATHOLIC CLAIMS.] The Duke of *Devonshire* presented a Petition from the Roman Catholics of Dungarvon, praying for the removal of the disabilities under which they laboured. He was desirous of shortly expressing to their lordships the deep regret he felt, that the consideration of the Catholic claims had been rejected, by a decision come to in another place. From principle, and from justice, he had invariably felt a strong conviction of the expediency of complying with the prayer of the Roman Catholics; and, if any thing could have added to the weight of that conviction, it would have been the events of the past year, which had established beyond all doubt, that the Catholics feel as one man on this great question. Instances of intemperance, and even of violence, produced by the determination not to consider the claims of the Catholics, showed the propriety and necessity of looking to the cause which produced them. That cause was Catholic exclusion, or a denial of those constitutional rights, of which, in his opinion, no man ought to be deprived, unless for reasons far more strong than those which had ever been urged in support of the exclusion of the Catholics. The restriction which existed opposed itself not only to the improvement of Ireland, but kept up a feverish excitement which produced animosity and destroyed all the charities of social life; and there was no alternative but for the Catholics to obtain their just rights, the granting which he urged, not for the sake of the Catholics, only but also of the Protestants of the South and the West. He addressed their lordships as one who had been exposed to the sneers of those to whose cause he had been attached; but, conscious of the sincerity of his own views, he had disregarded their attacks. He had not, however, abandoned their cause; on the contrary, he desired more than ever to see justice done to them, and whatever means he had in his power should always be exerted for that object. While he made that declaration, he also wished to express the regret he felt at the determination which had been shown, not even to consider the claims of the Catholics; which determination was likely to weaken the efforts of those who might have been disposed to follow an even and temperate course; who might have been powerful in conciliating the respective parties that were in collision. It had pleased those who had power elsewhere, to take a course which was much to be regretted, and all who were connected with Ireland must now act as to them seemed best. Rejected by the parliament, the condition of the Roman Catholics was not the less strong, though it was that of a defeated multitude.

The *Lord Chancellor* said, he could not permit the observation, that the disinclination of the legislature to take into consideration the claims of the Roman Catholics was a thing to be lamented, to pass unnoticed; and he would call to their lordships' recollection the history of a few past years. The first motion which was proposed by the friends to Roman Catholic emancipation, was a motion to take the petitions of the Roman Catholics into consideration. The objection made to that proposition was by persons, who, he would venture to say, were as much attached to the constitution, and as favourable to civil and religious liberty, as any who had ever entered that House. The objection turned upon this point—that a motion of so general a nature had no other tendency but to raise, in the minds of the Protestant subjects of his majesty, apprehensions with respect to their safe enjoyment of civil and religious liberty, and which might therefore create great uneasiness, when perhaps there was no occasion, and on the other hand give hopes to the Roman Catholics, which no Protestant legislature, and no Protestant king at the head of it, ought to encourage. Such motions had been made year after year, and repeatedly rejected; and at last a motion was brought forward for the purpose of carrying into execution, not the general consideration of the subject, but of some specific measure. This bill had also been rejected repeatedly; and the motion made this session, to take into consideration the state of the Catholics, was a motion which came to the same proposition which had been often before parliament, when, after all the attention given to the subject, it had been considered to be a measure which parliament ought not to adopt. He had taken the liberty to state these circumstances, because he thought it necessary, when a motion had been made, to take into consideration the state of the Catholics, to refer back to the frequent attempts which had been made for effecting that purpose. With respect to what ought to be the particular measure brought forward, he could only say on that subject, that whenever

the noble duke or any other noble lord who entertained the same opinions with him—and no man living could entertain for him more sincere regard than he did—called upon him, and other noble lords who were of the same opinion as he was, to state what measure they would propose which was likely to produce conciliation, he must be allowed to say, on the other hand, that there were men who thought that they would be sacrificing civil and religious liberty, if they passed any motion that had been proposed to them on the subject of the Catholic claims. For his own part, he must be allowed to say, and he most solemnly declared it, that after what had passed, it was infinitely more difficult that these measures should be considered now than it was three years ago.

The Marquis of *Lansdown* said, he had no intention of offering any observations on the petition which his noble friend had presented, had it not been for the unexpected remarks which had just fallen from the noble and learned lord. But after those remarks, directed as they were to the form of the motion to which he had intended to have endeavoured to induce their lordships to agree, had it not been for circumstances over which he had no control, he felt himself bound to say a few words; without entering at that moment into the merits of that motion, and without attempting any vindication of the form which the motion had assumed in another place. He should not, therefore, now state the grounds upon which he should have called upon their lordships to consider the claims of the Roman Catholics before they adopted any specific measure on the subject; but the circumstance, that time after time, specific measures had been brought forward, which had been, under the influence of the noble and learned lord, repeatedly rejected, formed a reason for introducing a measure of a general nature. And, what more natural or more parliamentary course—what course more directly applied to the arguments used by the noble and learned lord—than when their lordships had been induced to reject, nay, to treat with contempt, every suggestion which the wisest and most able men had offered for security, after specific motions had been brought forward, which had been disapproved of by the noble and learned lord, and rejected by parliament, and after the increasing dissatisfaction consequent upon those rejections—what more natural or proper course, he repeated, could be pursued, under these circumstances, than to ask parliament to take into consideration what was the state of the people of Ireland? That consideration had been rejected; and he now called upon those who had rejected that measure to say what measure they had to propose to parliament. But the noble and learned lord stated that, time after time, these propositions had been brought forward. Let him recollect that, time after time, those propositions had been rejected; and that, time after time, the condition of the country had become worse under that state of the government, which the noble and learned lord supported, and under that state of the law, which he seemed, by his determination, to suffer no alteration in it, to think the most perfect.—He should now address himself particularly to the noble and learned lord; and if that noble and learned lord really believed that no circumstances had arisen, in the course of the last year, which gave to this question a new form, and furnished new grounds for deliberation; if he really believed that dangers to the constitution of this country—that dangers to the church, and to the future prosperity of this country—had not manifested themselves in the course even of the last Summer, in a way to impose upon every thinking man the duty of reflecting upon that which parliament had decided not even to take into consideration—if the noble and learned lord really supposed that no such circumstances had arisen, it could only proceed from his not having been acquainted with the circumstances of that country; which forced themselves upon the attention of every man connected with it, and which had displayed, in their bitterest and most mischievous form, those elements of confusion, which threaten to dissolve society in that country; but which dissolution their lordships were to await, without even considering what the elements of danger were. He thought that parliament, in not considering the state of Ireland, abandoned their duty. He was aware of the impossibility of knowing what was the opinion of the government in its present state; but, when there should be a government—when a government should exist—then it would be their lordships' duty to consider well this question; and he then intended to state those circumstances which were un-

known to the noble and learned lord, but which had appalled the understandings and alarmed the apprehension of every man who looked to the future. He thought it his duty to state thus much, after what he had unexpectedly heard from the noble and learned lord; and to repeat his deep conviction of the justice of those sentiments which his noble friend had expressed, who had presented the petition.

The *Lord Chancellor* observed, that if the noble marquis meant to state, that the decisions of that House were made, under the influence of the person whom he called the "noble and learned lord," applying to himself, he could only say, God forbid that that should be the fact! His own confident opinion was, that their lordships' decisions were those of a Protestant House of parliament in a Protestant empire, paying only a proper attention to the honest declarations of the opinion of one of the members of that House; for he was too well acquainted with his own imperfections and defects—and he said that, as a man approaching to his grave—to suppose that their lordships had thought proper to adopt his opinion on a matter of such great importance. He only wished so to conduct himself, that the subjects of a Protestant king and a Protestant parliament might be convinced that he went to the grave without having lessened the security which the country had for the enjoyment of civil and religious liberty. He did not presume to state or to think that the sentiments of the humble individual, convinced of his imperfections, who now stood before their lordships, could have such influence as to direct their decisions; and he thought that the noble marquis, who stated that he had influence, paid no compliment to their lordships. With respect to security for a Protestant country and for a Protestant church, he had long made up his mind, that their lordships must do either of these two things—they must grant what was asked without any securities at all, or they must have much better security than those which had hitherto been offered. Such security was the most weak and ineffective that could possibly be offered to parliament. He could assure the noble marquis, that he should be ever foremost to express the respect which he felt was due to him; but he thought he had a right to expect that that noble lord would have given him credit for perfect conviction of the justice of the part he had acted, with respect to the Catholic claims. No man in the kingdom was a greater friend to toleration than he was; and it was upon that ground that he hoped and trusted—and he should say so, if these were the last words he should utter—and he was approaching quickly to the end of his days—he hoped and trusted, that their lordships, both for the sake of the Protestant subjects as well as the Catholic subjects of this empire, would preserve that constitution, which had been earned by the exertions of their ancestors at the time of the Revolution; and would state to the Roman Catholics that, with his consent, they should have every thing except power in a Protestant state.

GAME LAWS.] Lord *Wharncliffe* rose to move the order of the day on the subject of the Game Laws Amendment Bill. He should not detain their lordships at any length, in moving for the second reading of the bill, because he had already called their lordships' attention to the subject. He would rather wait to see what arguments would be adduced against the measure, and take an opportunity afterwards of endeavouring to answer them; but he was anxious, before the House proceeded to the discussion, to entreat of their lordships not to be drawn into a discussion on any of the clauses. What he wished to know was, whether their lordships would agree to the principle upon which the bill was formed. That principle was a very simple one; it merely went the length of saying, that every man should have power to do what he pleased on his own land: that no person should be allowed to trespass on another man's grounds, and it proposed to legalize the disposal of game. Those were the principles to which he wished to draw their lordships' attention. After a consideration of the subject for many years, he could submit that principle to their lordships with a perfect conviction, that, as far as respected their amusements or their privileges, it would effect no change, and could only be beneficial in restoring the law to the standard of common sense.

The Earl of *Falmouth*, in rising to oppose the second reading of the bill, observed, that if he understood the proposed measure rightly, it was founded on three grounds. The first with a view to alter the present qualification for killing game; the second, to enable small proprietors of

land to kill game on their own estates; and thirdly, what he supposed was the principal object, the legalizing the sale of game, in order to prevent poaching, by taking away the temptation. With regard to the first, the noble lord had stated, that one object of the proposed alteration was, to extend the qualification for killing game to the fundholder, a right which, by the existing laws, had been exclusively given to the landowner. Now, he was not disposed to agree to that alteration, as fundhholders had always the power of acquiring that right by purchasing land. With regard to the second object, that of conferring the right of killing game on the land of small proprietors, he was not disposed to say much on the arguments which had been urged in favour of the measure, as he thought the House would hardly be disposed to make such innovations on the right of property, as would be introduced by the adoption of such an alteration. They had heard that small proprietors in Scotland enjoyed the privileges which it was thus intended to bestow; but it did not follow, because that right was attended by beneficial results in that part of the kingdom, that the same end would be attained here. In Scotland the laws with regard to the management of the poor were very different to what they were in this country, and when any alteration had been proposed, we had been told it was impracticable. In Scotland we were told that the labourers worked well, looked well, and when we wanted them for soldiers, fought well, though brought up and fed upon oatmeal; but he did not know what sort of workmen or soldiers we should have in England, if a similar diet was introduced.—He then came to the principal ground on which the noble lord founded his bill; namely, the prevention of poaching by destroying the temptation, and he must say that he had never heard any thing more visionary than that, by rendering game saleable, the inducement to poaching would be destroyed. It was not contended that turning poultry into the woods would prevent depredations on that species of property; how, then, by making game saleable property, would poaching be prevented? A licensed dealer would breed and feed pheasants for the purposes of sale but he could not breed and feed them for less than the expense of rearing common poultry; therefore still the temptation would be the same for poachers, and in large towns they would ever find a market. He could not, therefore, look at this bill but as an experiment; and whatever might be the power of parliament to make such experiments, he considered it an improper exercise of that power, to bestow on a certain class of persons a right one year which they would find it necessary to take away the next.

The Earl of *Rosebery*, after detailing the evils and inconvenience of the present Game Laws, concluded by declaring his intention to vote for the second reading of the bill.

The Earl of *Hardwicke* also expressed his opinion in favour of the proposed alteration.

The Marquis of *Salisbury* said, he was not opposed to the sale of game under proper regulations, but objected to the general innovations which the proposed bill would introduce. There was, he contended, no sufficient means of detecting or punishing poachers or trespassers; and he could not, therefore, consent to a repeal of all the present laws on the subject, without enacting some protection in return.

Lord *Redesdale* objected to the proposed alterations, as interfering with the right of property in such a way as would produce actions on actions without end. Every one at all acquainted with the way in which property was in this country divided into small parcels, must be aware of the difficulties attendant on such a measure. Proprietors of land not wider than the table between their lordships, would bring actions for trespass, and the whole country would be involved in unceasing litigation. He was quite certain that the game was mostly stolen by the gamekeepers themselves; and hence, "according to the old maxim, that two of a trade can never agree," arose the contests betwixt them and the other poachers; the gamekeepers contending not so much for the preservation of the game for their employers, as for their own monopoly in the stealth of it. As to the existing qualifications, he was of opinion that their removal would tend to prevent poaching. He had always observed, that when a farmer obtained the privilege of shooting, he was invariably found to be a most active enemy to the poachers. Under this impression, he would vote for the second reading of the bill; but would suggest the omission of the first part of it, and make it a bill merely

for legalizing the sale of game, and putting an end to the present qualifications.

The Marquis of *Bute* hoped that no objection would be made to the second reading of the bill. He thought that the new rights given by this bill would be found much more advantageous to the great landed proprietors as well as to the country at large, than the privileges which they at present enjoyed. The existing laws against poaching were most unjust and oppressive in their operation. If a man was convicted of stealing poultry, or potatoes, or other property of that description, he was punished by, perhaps, a month's imprisonment; but if he was convicted of stealing game, he was sentenced to imprisonment for three times that period. Since the complaints against the principles of these laws were so general and so notorious, he trusted that their lordships would show their compliance with the public feeling on this subject, by voting in favour of the bill.

The Earl of *Westmorland* rose to oppose the principle of this measure. He was surprised that his noble friend could give his sanction to it by voting for the second reading. If he thought that it was calculated in the slightest degree to prevent poaching, or its consequences to those misguided men who were engaged in poaching, or was likely to produce advantages to any class of mankind, he would most cheerfully give it his support. But in his opinion, the only effect it could possibly have was to increase the grounds of every one of those complaints which existed against the present system. The noble lord who introduced the bill, had acted very fairly; for he held out no expectation that it would put an end to the existing grievances; nor was it in the power of law to put an end to them, unless it were a law of such severity as to merit their lordships' reprobation. He contended, that this was an aristocratical act, calculated to promote the privileges of the great landed proprietors, to the injury of every man of moderate fortune in the country; and therefore it should meet with his opposition. What advantage was it to a man of small property to be subject the moment he stepped off it, to be taken before a magistrate? Was it this that was to put an end to all quarrels? A hunter might go after a hare into another man's ground, but a shooter might not: it was true the hunter must have started the hare first, and then came a question for the lawyers, whether or not it was the real identical hare which he had so started? He thought that the ancient law upon this subject was the best; and he wished they could get back to it. No man lamented the present state of the law more than he did, or was more anxious to alter it, if it could be amended; for he thought that game was not worth all the punishment that protected it. He, therefore, wished that the law could be restored to its ancient state: but he feared that that would be a pretty difficult task; for persons must have game for amusement, and, therefore, some law must be in force for its protection. He would only further say, that he could not give his consent to a measure founded on the principles of this bill, which gave powers to those who had them not at present, and took them away from others who had.

Lord *Ellenborough* was convinced, that the time would soon come when their lordships would be obliged to prevent, by legislative enactment, the numerous crimes which grew out of the present system of our Game-laws. With respect to the bill before the House, he thought that the noble lord who introduced it had been most unfortunate in the hands in which he had placed it to be manufactured. Without touching any of its clauses or provisions, he could engage to strike out between six and seven hundred words which were perfectly useless. In another place, a most useful operation was at that moment going on; namely, the consolidating and abridging the criminal laws, and drawing them up in simple and straightforward language. Now, it was most desirable that the present bill should be couched in language that was intelligible to poachers and country magistrates—the two classes of individuals who most required to understand it. One of its objects was to make game property; yet, in no part of it was the word "property" to be found. Another object was, to prevent poaching by punishment; but no where was the punishment intended set forth. In one place it was provided, that a body collegiate was entitled to younger game, and the eggs thereof; but how great must be the despair of that collegiate body, when they turned over a leaf, and found, that if any member of it was a lord of a manor, he must not break the shell of the egg. In short, the bill was full of ab-

surdities. However, the existing evil must have an end; and he hoped, therefore, that game would be made property. He did not see why it should not, as well as turkeys, chickens, pigeons, &c., which were not far removed in their nature from it. He trusted, therefore, that the bill would be allowed to go into a committee; but, when there, it must be nearly re-cast. Something must be done to check the mass of crime produced by the present Game-laws; and unless their lordships protected the smaller proprietor, who could not afford to keep a gamekeeper, they could not protect those of larger properties; because the poacher always commenced with the smaller, and thus first acquired his poaching habits.

Lord *King* observed, that the House was actuated by a great many fears at that moment. There was, first, the fear of being late for dinner; there was, then, the fear of a free trade in game. Some noble lords apprehended a millennium of poachers. There was a strong attraction between the mouth of an alderman and the wing of a pheasant; but the difficulty was to find a safe conductor. He recommended the House to follow the example of some parts of Germany on this subject. The elector of Hesse, who was only known in this country as a soldier-seller, was also a strict contractor in game and wild pigs. As we had imported whiskers, and tight uniforms, and other good things from the Germans, might we not also adopt their notions on this subject? In France, numerous laws had been enacted to preserve the game. One was a very curious restriction, which was intended to prevent persons from manuring bishops' land, with night-soil, for fear of injuring the flavour of the game. He believed there was not much difference between the reverend bench there and here. Arthur Young, who was a great agriculturist, inferred a strong similarity between a pheasant and a prince of the blood; because they were both fed at the public expense. Now, he thought the observation equally applied to the bishops: the only difference was, that the one was supported on the nett produce, and the other on the gross produce of the country. It had been said, that this embraced a question of morality; if so, it was strange that the right reverend prelates were so indifferent to it; for, although the benches opposite had been shortly before filled, there now remained only two of that reverend body to support this measure of morality; in which, however, he should be most happy to join them, although he believed it would be the first time he would have had the happiness of voting along with them.

The *Lord Chancellor* referred to some of the observations of his noble and learned friend (lord Redesdale), and said that he must be considered better authority on this subject than his noble friend, because he had never, he believed, had a gun in his hand in his life, whilst he (the lord Chancellor) had never one out of his, whenever he could have one in it. One of the greatest delights he enjoyed in the autumn was afforded by his dogs, whom he could not help contrasting with those learned friends who entertained him, but not quite as delightfully, for the remaining ten months of the year. He was particularly pleased at observing how well his dogs knew how to mind their points, and when to stop—which was more than he could say for his learned friends at the bar [a laugh]. He considered it rather unfair in a noble lord to object to the clauses of a bill, instead of speaking to its principle. Perhaps it would be more advisable for that noble lord himself to set to work, and endeavour to manage it differently. He wished to be understood not to be pledged to a particular line of conduct, even should he vote against the bill in its presented form. There were some clauses in the bill which could not stand as they were, and which were too bad for correction. There would, he was convinced, be game enough in the country for every gentleman, provided they would keep on good terms with the farmers. In consequence of the good feeling existing between himself and his farmers, and from his having no game-keeper, he, at least, had never been in want of game. A noble lord near him would recollect a circumstance which occurred at Lancaster when they were on the circuit together. An individual who, for the present purpose, he would designate as A. B., had been constantly tried for stealing salmon out of a river, and as often as he was brought up for this offence, so often did all the judges declare it as their opinion, that the salmon in the river were *bona vacantia*, and consequently every body's property. A learned gentleman, however, purchased a salmon in the market, and having made a certain

mark upon what was technically called its snout he put it in a place where A. B. was known to cast for fish. The next morning, among others, he took this identical salmon, which being found in his possession, he was tried, and transported for the offence; the judges being of opinion, that the salmon, having been in the market, could no longer be ranked among *bona vacantia* [a laugh]. This, however, was probably a solitary case. The principle of the present bill ought, in his opinion, to be wholesomely applied; and he could not help thinking, that if the noble lord who was the author of it, and the noble lord near him (lord Redesdale), were to lay their heads together, and make a bill, it would be better than pushing the present bill any further.

Lord *Wharncliffe* shortly replied. He had not, he said, by this bill taken away any old rights, and he had created no new ones, except that of allowing every one to kill game on his own land; and that he believed to be a right which every one ought to exercise. It had been erroneously stated, that, by the law of Scotland, no person could kill game on his own land without a qualification; there were many decisions upon this point, which put beyond a doubt the right of every body in this particular. By the law of Scotland, qualifications were only necessary upon another person's land. A noble baron opposite had descanted upon the many absurdities contained in the bill; but when it came before a committee, he should endeavour to convince that noble baron, that he had talked many more absurdities than he had ever accused him of writing. He begged their lordships to believe that he was not so fond of his own child as to regret its loss, simply because it was his; and if any other and better measure were submitted to their lordships, he would cheerfully relinquish his. At the same time, he was convinced that many years could not pass over with the present absurd, oppressive, and unjust laws in force.

The House divided: Contents 38; Not-Contents 17: Majority 21.

HOUSE OF LORDS.

Thursday, March 22.

CORN AND WOOL TRADE.] The Earl of *Malmesbury* rose to move for some returns with respect to the Importation of Wool. Two of the returns were similar to what had before been moved for by a noble lord; but the other was not comprehended among those that had been laid upon their lordships' table. In making this motion he wished to say a few words. Their lordships were aware, that a great deal of distress existed at present among the wool-growers, the accumulation of whose stock, for the last three years, remained on their hands, the value of which had sunk from 18*d.* to 8*d.* per pound. Perhaps their lordships might not be equally aware of the cause of this distress. One cause, he thought, was the reduction of the duty on the importation of foreign wool. At the time that reduction took place, it was generally considered to be a financial duty, and not a protecting one. But, if their lordships looked to the quantity of wool introduced into this country during the five years, from April, 1819, to September, 1824, they would find, that the quantity of foreign wool imported amounted, on the average, to twenty-one millions, at a duty of 6*d.* Since the year 1824, at which period the duty was reduced from 6*d.* to a half-penny—a reduction at once of 11-12ths—the increase in the importation of wool amounted to seven or eight million pounds. Such being the case, it was impossible not to see the cause which produced the distress among the wool-growers. But the interest of the wool-growers was not a particular one; or one which was confined to themselves. Wool and corn were connected together; one depended upon the other. Large and fertile districts depended entirely upon the subsistence of the farmers' flocks. He hoped that when their lordships took into consideration the measure which had been proposed upon the Corn-laws, they would also take into consideration the distressed state of the agriculturists, with respect to the wool-trade. Their lordships might form a just opinion, fro seeing what had been the result of foreign competition in the article of wool what was likely to be the result of the same competition in the corn trade. So long as the duty on wool continued to be 6*d.* the growers found a market for their wool; but as soon as that duty was reduced, the greatest distress followed. The glut produced by the importation of foreign wool had been so great, as to produce an accumulation of two or three years' growth of wool in the

hands of individuals. With this before their eyes, he trusted their lordships would hesitate before they adopted the resolutions on the Corn-laws, and allowed the foreigner to come into competition with the British farmer in the corn-trade, as had been done in the wool-trade. He considered the wool-grower as much a manufacturer as the clothier. He must find capital, and the means of subsistence. On looking at the Consolidated Customs act, he found that as long as wool should be at the price of 1*s*., the duty on the importation of foreign wool should not exceed a half-penny, which gave a protection to the British grower of about four per cent. Wool in a manufactured state, however, he found to be protected by a duty of fifteen per cent. It certainly did seem, from that difference, that the clothier must have some stronger claims to protection than the wool-grower; but upon looking to the returns on the subject of the poor-rates for the years 1825 and 1826, he found that the poor-rates levied upon landlords amounted to 4,892,000*l*. while the amount of poor-rates levied on manufacturers was only 259,000*l*. So that it was clear that 24*l*. out of 25*l*. was paid by the landed interest. Looking at those returns, he could not find in them a reason for the disproportion of the duties upon wool in its simple state, and wool when manufactured. It appeared to him, that the disproportion ought to be in the inverse ratio to what it was; and that the man who bore the greatest burthens ought not to be the worst protected. It was a most unjust principle, as it operated on the one and the other. Perhaps their lordships were not aware of the extraordinary rate of the increase of the importation of wool, since the reduction of the duty. The importation of wool amounted, in the year 1824, to 19,378,000 pounds; in 1825 to 22,558,000 pounds; and in the year 1826 to 43,795,000. From that period he might say the wool-trade had been completely ruined; and if such had been the case with respect to wool, which formed only a portion of the farmer's profit, any similar measure, with respect to the Corn-laws must necessarily cause universal ruin. In Mr. Jacob's Report it was stated, that great exertions were making in Germany, with a view of raising wool; and that prodigious increase in the quantity of wool had taken place in that country. If that was the case, it could only end, in his opinion, in putting a termination to the cultivation of short wool in this country. At the time the duty on wool was lowered from 6*d*. to one halfpenny, it was stated that, in consideration of the reduction, a bounty should be given to the landlords. And, what was this great bounty, did their lordships suppose? It was, that the farmers should be allowed to export long wool, the amount of which did not exceed 90 tods. That was the only bounty which had been given, in return for the reduction of the duty on the importation of wool. He had no wish to injure the manufacturer. He was aware that the manufacturer could not continue to work wool without a mixture of foreign wool. He was ready to give a full proportion of foreign wool to the manufacturer for that purpose; and even to give him protection against the introduction of worked wool; but he wished the protection to be equal, and perhaps the noble lord opposite (Bexley) would tell him the reason why the protection was not better proportioned. It was a singular fact, that with this great increase in the importation of wool, there had not been an accompanying increase in the exportation of manufactured wool. So that, instead of the foreigner taking manufactures from this country in exchange for this produce he took nothing but money. So great had been the increase of the quantity of wool in the home market, that the landlords had got as much as three years produce on their hands; and it was a great hardship on the farmer, having so much wool of his own, to look at his coat, and think that it was made of foreign wool. He apologized to their lordships for having taken up so much of their time, and he now begged leave to move for the returns he wished to be laid upon the table. Two of these returns had been moved for before in point of fact, but not in point of time; those on the table only going back to 1814, while those which he wished to move for went back to 1800. The noble lord then moved for a "Return of the quantity of sheep and lamb's wool imported into this country since the year 1800 to 1824 inclusive; distinguishing the quantities of each year, and the countries from which wool was imported." That motion came up to the time when the duty was lowered. The next return he should move for was, to show their

lordships whether the British consumer was benefitted by the new principles of free trade, as applicable to the woollen-trade. He should therefore move, for "An account of the official and declared value of woollen manufactures from 1810 to 1826." The next return he should move for was, "an account of the quantity of foreign wool exported since the year 1821 to 1826, distinguishing each year."

Lord *Bexley* said, that the noble lord appeared to him to be greatly deceived in one respect. The noble lord seemed to argue upon this question as if it was one which was founded on a new principle, and as if the encouragement of the importation of foreign wool was a novel system in this country. In the time of our ancestors that encouragement had been carried to a much greater extent than it was at present; we were only returning, therefore, to the system that formerly prevailed. The present system he believed would be found much more advantageous to the growers of wool, than that which existed immediately previous to it; and he must bring to the recollection of the noble lord, that the change took place in consequence of applications and petitions on the subject from the wool-growers themselves, who were allowed by it to export their long wool. The manufacturers, he believed, had nothing to fear from the exportation of wool. England was still by far the best market for wool, and not only kept at home its own produce, but attracted to its market a large proportion of the produce of other countries.

The Duke of *Richmond* felt himself bound to say a few words on this subject, upon which he had presented a number of petitions from the county of Sussex. As to the observation that had been made, that wool had been left on the hands of the grower, from the permission to import for the good of the manufacturers, he could only say, that that was one of the experiments of the free-trade gentlemen. It had, however, failed; and now they attempted to put a gloss over it. He hoped and trusted that the noble earl who had moved for these returns, would call the attention of the House to this important subject. He could not believe that it was beneficial to this country to allow a foreign grower to send us his produce. He thought it would be best for this country to go back to its former system.

Lord *King* stated, that the noble mover had made out what he thought a very strong case against free trade. He had expected to have heard the noble lord (Bexley)—if he was a friend to the general interests of the country, and a real friend to free trade—observe, that though there might have been some distress among the agriculturists, there had been great distress among the manufacturers; and that a higher duty, preventing the importation of wool, would not have diminished the distress of the agriculturists, but would have added greatly to the distress of the manufacturers. It had been stated, that some of the wool remained on the hands of the growers. Perhaps that might be the case; but then the noble lord on the ministerial bench might have asked, whether the importation of wool continued? seeing that, if it did, it was because the wool was worked up. He had expected the noble lord, if he was a friend to the general interests of the country, to have made use of those arguments. If ministers did not defend the manufacturers, their interest would assuredly be neglected.

The Earl of *Darnley* was for giving protection both to the growers of corn and wool. The growers of wool laboured under grievous hardships. They had two years of their stock on hand. Now, such a state of things ought not to exist. It was a gross injustice to that class of the community, and no adequate advantage to the manufacturers.

The Marquis of *Salisbury* said, he had not intended to trouble their lordships with any observations on the subject, if a noble baron had not attempted to set in opposition the agricultural and manufacturing interests, by stating, that the one was sacrificed for the sake of the other. ["No," from lord King.] If the noble lord thought that the two interests were connected, he was sorry he had mistaken him. With respect to the question before their lordships, he must say, that when the farmers had two years produce in hand, and were unable to sell, except at a ruinous price, and when the foreigner was pouring his produce into this country, and taking nothing in return but money—he must say, that if such a state of things was prosperous to the country, then was the present period most prosperous.

The Duke of *Buckingham* said, he should go to a different part of the question; namely, the proposed alteration in

the Corn-laws. The House was in a very particular situation with respect to the discussion of that subject. After several sessions, during which the subject had been put off year after year, it at last seemed that no time was to be lost in putting the question at rest, and enabling the country to know at what price corn was to be grown. Resolutions had been moved elsewhere, which were to be followed by resolutions being moved in that House by a noble lord, who, by a catastrophe which no man lamented more than he did, had been prevented from so doing; but by that misfortune that House had been deprived of the only means it possessed of discussing this question, in the manner in which it could only be discussed with advantage. Because, if any bill were brought into this House, though their lordships might agree to the principle of it, but differ with respect to the duty, yet they dared not make any alteration in that particular. The noble duke (on being reminded by lord Holland, that the House did not admit that principle) stated, that if any alteration were made in the duties, probably the whole of the measure would be lost. He hoped, therefore, that some resolutions would be laid upon the table, in order that the House might be enabled to discuss the subject, and give their opinion upon it. With respect to the subject of wool, he thought it a most extraordinary consolation to state, that when two years' stock of wool was on the hands of the growers, the importation was going on. This consolation was a most extraordinary one; and went in the teeth of the very mover of the measure—who had stated at a public meeting, that taking off the duty on foreign wool would not hurt the home-grower, but that he would find a better market for his produce. What, however, had been the result? Two years' produce remained on the hands of the growers!

The Earl of *Westmorland* said, he did not intend to trouble their lordships with arguments on the question before the House, but simply to reply to the noble duke, as to the intention of his noble friend, whose absence he deeply regretted. His noble friend certainly had intended to submit resolutions to their lordships on the subject of the Corn-laws; but he had not, he believed, made up his mind in what way he could do it, so as to conform to the practice of the House. Their lordships were aware that any measure on the subject must be brought forward in another place; and in the irregularity of bringing the subject immediately under their lordships' consideration, there seemed to be a general acquiescence. It was, however, in the power of any noble lord who might wish to discuss the question, to move resolutions upon the subject.

Lord *Ellenborough* said, that such a course would be equally irregular on the part of any other noble lord, as on the part of the noble earl who was absent. The noble lord had stated, that the House acquiesced in the suggestion not to discuss this question. The House, however, were obliged to acquiesce; seeing that no other noble lord opposite could have made an explanation on the subject.

Lord *Redesdale* observed, that when their lordships came to the consideration of the Corn-laws, they must view the subject as connected with a great many circumstances. The profits of the farmer had been lowered by the importation of wool, and by the depressed price of tallow, on account of importation. Importation had had the same effect on hides and skins, and cheese; and it was hardly worth the farmer's while to continue their dairies. He agreed with the noble duke, that the House ought to have an opportunity afforded it, of declaring its opinion on the corn question; and if no other noble lord would undertake the task, he should himself submit a motion on the subject to their lordships. The resolutions printed in the votes of the House of Commons appeared to be of this description—that they fixed a maximum on the price of corn. Did any writer on political economy, or any person who had thought upon the subject, dream of such a plan? The experience of past ages in this country proved, that to fix a maximum on any commodity was injurious to the production of that commodity. In the reign of Edward 2nd, a maximum was imposed on every thing; which law lasted about a year, when the cry of the country became so strong as to cause its repeal. If the effect of a maximum on other things was mischievous, it was still more impolitic when applied to corn; the maximum of which was now fixed at 60s. The decrease which had taken place in tallow, hides, skins, horns, and hoofs, had an effect to raise the price of meat; for the butcher could no longer consider his fifth quarter as a just remuneration.

Their lordships, perhaps, might not know that the butcher derived his profit from the fifth quarter. He sold his meat at the same rate per pound at which he bought the cattle from the agriculturist, and the fifth quarter was his profit. But the butcher now, in order to get a profit, must place an additional price on his meat. Supposing, as some political economists had coolly contemplated, that one-third of the land now in cultivation were to be thrown out, what would be the consequence? Some people imagined that it would make meat cheaper; but if they examined the subject practically, they would find it would make meat dearer. In the act of Charles 2nd, he believed they would find the true system of political economy. If they did not make the trade of the farmer profitable, the country would not be cultivated; and, under these circumstances, he thought the subject required more consideration than his majesty's ministers had given it. The noble lord, after contrasting the present system of cultivation with that formerly adopted, said it was only wonderful, that corn should be sold at its present reduced price in this country, which was only because the farmer was satisfied with a less profit than the manufacturer. The noble lord, after adverting to the duties on wool, observed, that the whole system of commerce was now changed. Unlike the merchants of former days, who, habited in their velvet caps and square-toed shoes, dwelt with their clerks at the counting-house in the city, our modern merchants resided in Portland-place, or Portman-square, or in the Regent's park; and such were the multiplicity of their other engagements, that it was with difficulty they could get to their counting-house in time to sign the letters, of which they could know nothing, as they were prepared by their confidential clerk, to whom the management of the business was consigned. It was this extreme way of carrying on business that required an extreme profit beyond that which in former times sufficed.

The Earl of *Malmesbury* said, he was happy to hear that the learned lord intended to submit some resolutions to that House on the subject. He was perfectly ready to meet his majesty's government in any modification of the Corn-laws; but he thought it would be a great advantage that the sentiments of their lordships should be well known, previous to the introduction of any measure on the subject.

Lord *Ellenborough* was also glad to hear that the noble and learned lord proposed to submit some resolutions on the subject to the House.

Lord *Bexley* said, that if the noble and learned lord's propositions were carried into effect, they would exclude all foreign commerce entirely.

The motion for the returns was then agreed to.

HOUSE OF COMMONS.

Thursday, March 22.

CONVENTION WITH PORTUGAL.] Mr. Secretary Peel, in the absence of Mr. Secretary Canning, presented, by command of his Majesty, the following

CONVENTION between his Majesty and her Royal Highness the Infanta Regent of Portugal, for providing for the maintenance of a Corps of British Troops, sent to Portugal, Dec. 1826; signed at Brighthelmstone, Jan. 19, 1827.

"In the name of the Most Holy and Undivided Trinity.

"Her Royal Highness the Infanta Regent of Portugal having, in consequence of aggressions committed against the Portuguese territory, claimed the fulfilment, by his Majesty the King of the United Kingdom of Great Britain and Ireland, of the ancient treaties of alliance and friendship which subsist between the two Crowns; and his Britannic Majesty having thereupon resolved to send, and having actually sent, a body of troops to Portugal, the two High Contracting Parties think it necessary to agree upon certain arrangements for the maintenance of the said troops, during their stay in Portugal, and have named as their plenipotentiaries for that purpose, viz;—

"His Majesty, the King of the United Kingdom of Great Britain and Ireland, the right hon. George Canning, a member of his said Majesty's most hon. Privy Council, a member of Parliament, and his said Majesty's Principal Secretary of State for Foreign Affairs:—And her Royal Highness the Infanta Regent of Portugal, the most illustrious and most excellent lord, Don Pedro de Souza e Holstein, marquis of Palmella, a peer of the Kingdom of Portugal, Grand Cross of the Order of Christ, knight of the Order of the Golden

Fleece, Grand Cross of several other Orders, and her Royal Highness's ambassador extraordinary and plenipotentiary to his Britannic Majesty; who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon, and concluded, the following articles:—

Art. 1. "Her Royal Highness the Infanta Regent of Portugal, anxious that the body of troops which has been so promptly sent to her Royal Highness's aid by his Britannic Majesty, should be treated with the hospitality becoming the relations of the two allied nations, engages to provide the necessary barracks and quarters, and buildings for hospitals, and for stores and magazines, and the necessary rations of provisions and forage, for the officers, non-commissioned officers, and soldiers, and for the horses and cattle of the British Auxiliary Army, according to the regulations of the British service.

2. "The provisions and forage above specified are to be delivered to the British Commissariat, at a distance not greater than six Portuguese leagues from the head-quarters of each British detachment to which they are supplied, unless in cases where a different arrangement shall be made, with the consent of the British Commissariat.

3. "In order to obviate the difficulties which an immediate disbursement of funds for the purchase of the aforesaid provisions and forage might occasion, under the present circumstances, to the Government of Portugal, it is agreed that the British Commissary-general shall, for the present, provide those supplies for the British army, charging the cost thereof to the account of the Portuguese Government. As, however, cases may arise, in which it may be more convenient to receive such supplies from Portuguese magazines, for the purpose of avoiding competition in the markets, the British Commissary-general shall, in the execution of this agreement, concert his proceedings from time to time with a person appointed for that end by the Government of Portugal.

4. "The accounts of the British Commissariat being approved and signed by the Commander of the Auxiliary Army, shall be delivered every three months to the Portuguese Government, which, having verified the same, shall either pay the amount thereof forthwith to the British Commissary-general, or carry it over to the credit of the British Government, as shall be judged most convenient by the two Governments.

5. "The cost of provisions and forage for the British troops shall be placed to the account of the Portuguese Government, from the day of the landing of the said troops in Portugal, and shall cease to be placed to that account from the day of their departure, or of their passing the frontiers of Portugal.

6. "Her Royal Highness the Infanta Regent of Portugal, having consented that on this, as on former occasions, the forts St. Julien and of Bugio shall be occupied by the British troops, it is agreed that the said occupation shall continue so long as the auxiliary army shall remain in Portugal. Those forts shall be, from time to time, duly provisioned by the Portuguese Government, or by the British Commissariat, on account of the Portuguese Government, in the same manner as is provided in the foregoing articles with respect to the Auxiliary Army.

"Arrangements shall be made between the Government of Portugal and the Commander of the British Army, for the carrying on of the service of the Pratique, of the Police of the Harbour, and of the Customs, by the proper officers of the Portuguese Government, usually employed for those purposes. A list of these officers shall be given to the British Commanding Officer, and they shall be strictly under his command in all that may relate to military service, and to the defence of the forts.

7. "His Britannic Majesty requiring, on the part of his ally, only that which is indispensably necessary for insuring the proper maintenance of his troops, and for the good of the common service, declares, that he will not bring forward any pecuniary claims whatever against the Portuguese Government, on account of the assistance furnished by his Majesty, on this occasion, to Portugal, beyond what is specified in the preceding articles.

8. "The stipulations of this Convention shall remain in full force until the two High Contracting Parties shall mutually agree to make any change therein.

9. "The present Convention shall be ratified, and the ratifications shall be exchanged in London in the space of six weeks from the date hereof, or sooner, if possible.

"In witness whereof the respective

Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

(L.S.) GEORGE CANNING.
(L.S.) MARQUEZ DE PALMELLA.

"Done at Brighthelmstone, January 19, 1827."

GALWAY COUNTY ELECTION—BREACH OF PRIVILEGE—ASSAULT OF A WITNESS.] Mr. *Spring Rice* rose to present a Petition on a matter affecting the vital interests of parliament, and the privileges of the House. He moved, however, first, that the usual sessional order against tampering with or influencing witnesses to be examined on matters before the House, which was in that order declared to be a high misdemeanour, should be read. The order having been read, the hon. member stated, that his petition was from a Mr. Thomas Lambert, of Galway, brother to the gentleman who had presented a petition against the return of Richard Martin, esq. The petitioner stated himself to have been since the late election, in a very delicate state of health, but upon receiving the Speaker's summons, he proceeded to London, and when in the lobby of the House, was insulted and assaulted by Martin French, esq., whom the petitioner believed to be the active supporter and warm partisan of Mr. Richard Martin. The petitioner declared he had given no provocation for such an attack, and prayed the protection of the House. The hon. member said, he did not intend to move for the attendance of the person mentioned, because he hoped that this notice of it would be enough to show that the House had the power of protecting its witnesses, and would enforce that power so as to put a stop to occurrences like that now complained of, and without which witnesses might often be exposed to difficulty and danger.

Mr. *Wynn* thought the matter ought not to stop here; because it became the House to maintain its dignity and show its power. When its witnesses were molested some time ago, the House had sent a man to prison for attacking a gentleman in the lobby; and he therefore moved that the petitioner, and Mr. Martin French should be ordered to attend to-morrow.

The *Speaker* asked, if it was the pleasure of the House that the Serjeant-at-Arms should inquire if Mr. Lambert was in attendance, and the House having signified their assent, the Speaker directed the Serjeant-at-Arms to proceed to the lobby, and make the necessary inquiry.

A pause of about five minutes occurred, at the expiration of which, the Serjeant-at-Arms returned to the table, and informed the Speaker, that Mr. Lambert was in attendance, and waited the pleasure of the House.

The *Speaker*.—Is it the pleasure of the House that Mr. Lambert should be called in?

The House having signified their assent, the Serjeant was directed to return to the lobby, and bring Mr. Lambert to the bar of the House. In a few minutes Mr. Lambert appeared at the bar, and the following examination took place:

The *Speaker*.—What is your name?—Thomas Lambert.

The *Speaker*.—Is this your name attached to this petition?—This is my name.

You will now state slowly and distinctly, for the better information of the House, and in order that your answers may be taken down in writing, the nature of the occurrence complained of in your petition?

Mr. *Lambert* then proceeded to state, that on Tuesday last he came down to the House, in consequence of a summons which he received to attend the committee appointed to try the Galway election. "I had not been five minutes in the lobby," the gentleman continued, "when Mr. French came up, and said, 'How do you do, Lambert, I am glad to see you,' and asked me to shake hands with him. In consequence of the conduct pursued by Mr. French, when a trial was pending on which my life was at stake, I declined to shake hands with him, but merely made him a low bow. I forgot to state that Mr. Baggot was along with me, and also a Mr. Phipps. Mr. Butler, who is a relation of mine, and a friend of Mr. French, was also with me. As soon as I made the bow, and declined to accept Mr. French's hand, he got into a violent fit of passion; so much so, that his countenance became suddenly distorted with rage. He said, 'I deserve this treatment, for contaminating this hand by offering to shake hands with such a contemptible rascal.' I bowed and thanked him. Two or three gentlemen, who happened to be in the lobby at the time, came over to my friend, Mr. Butler, and asked him if that gentleman

was mad? I forgot to say, that Mr. French held out his hand in a threatening manner; but whether he intended to strike or not I cannot tell. If he had struck me, however, I should not have returned the blow. The next morning I received a note from sir Richard Birnie, to attend before him. I waited on him accordingly; and after hearing the circumstances of the quarrel, he said, that if I pledged my word of honour not to proceed any further in the business, he should not require me to give bail to keep the peace. I replied, that I was perfectly willing to comply with these terms, and pledged my word of honour accordingly."

The *Speaker*.—Have you any thing further to add?

Mr. *Lambert* said, "I forgot to mention that one or two gentlemen wished me to call for a constable, to give Mr. French into custody, but I declined to do so, as I did not think it necessary."

The *Speaker*.—Has any hon. member any question to propose to the witness?

Mr. *Spring Rice*.—Are you not in attendance in consequence of a summons issued by the Speaker, requiring your attendance as a witness before the committee appointed to investigate the merits of the Galway election?—Yes I am.

Is not Mr. French summoned as a witness also?—I believe he is.

As soon as the witness had retired from the bar,

Mr. *Wynn* said, that the usual course pursued by the House in cases of this description was to call both the petitioner and the person petitioned against to the bar of the House,—a course which he suggested should be pursued to-morrow, when Mr. French would have an opportunity of replying to the charge contained in the petition.

Mr. *Hobhouse*, with all due deference to the right hon. gentleman, conceived that this was not a case in which the House was called upon to interfere. No impediment had been offered—no blow had been struck; and he must observe, that if any offence was given, it was the refusal, in the first instance, of the petitioner himself to return the common courtesy which Mr. French had offered him. He was therefore of opinion, that no case had been made out to warrant the interference of the House. If, indeed, the witness had been assaulted, and rendered incapable of giving his evidence, the House in that case would be fully justified in calling the offending party to the bar.

Mr. *J. Grattan* concurred in the opinion of the hon. gentleman who had just sat down. If any insult had passed between the parties, it appeared to have originated with the petitioner himself.

Sir *J. Yorke* observed, that the question did not appear to be whether Mr. French was a hundred miles off from the petitioner, or only a yard; but whether an assault was committed, or attempted to be committed, within the precincts of that House.

Mr. *Abercromby* agreed in the general principle, that the House had a right, in vindication of its honour and dignity, to call persons before them who were guilty of a breach of privilege; but at the same time he could not agree that the present case was one in which that power should be exerted. Another argument against the House interfering in this quarrel, was, that the civil power had already interposed between the parties. He therefore conceived, that the House would be wasting its time, and compromising its dignity, by interfering in the case.

Mr. *Littleton* perfectly concurred in the view which the hon. and learned gentleman had taken of the subject. Nothing had occurred tending to a breach of the peace; and even if there had, the police had interfered to prevent any unpleasant consequences.

Mr. *Spring Rice* said, that his duty, in the first instance, was confined to presenting the petition of Mr. Lambert; but now that the case was before the House, he must be permitted to say, that it was one in which they were called upon to exercise that sound and wholesome authority, which they possessed. He contended, that the consequences would be most dangerous, if insulting words, tending to a breach of the peace, were passed over without any expression of displeasure, because no blows had been struck. There was no principle more dangerous than this; and he conceived the House was imperatively called upon to discourage such a doctrine. His chief object in presenting this petition was, that persons summoned as witnesses before committees of that House, should know that the House was ready to take up any question, involving their safety or protection. He did not wish to have the person petitioned against in this case called to the bar of the House; but he hoped that the notice of this discussion would have its proper effect.

Mr. *Wynn* said, that a petition having been presented, and evidence having been heard at the bar in support of its allegations, he thought it would be wrong for the House to come to the decision, that the prayer of the petition should not be entertained. Witnesses who attended that House should be protected. If a gentleman refused to shake hands with another, that was no reason why he should be threatened. After hearing the petition read and its principal allegations supported by the evidence of the petitioner, he conceived that the party complained against should be called to the bar and admonished. It was said, that the civil power had taken up the case; but in what way did it do so? Merely by calling upon the parties to pledge their honour that nothing hostile should pass between them. This might be sufficient for the purpose of keeping the peace; but the House had another duty to perform; and it was a question to be considered, whether, if this case was passed over, the House would not be surrendering that protection which they should extend to their witnesses. The better way, he conceived, would be for both the gentlemen to attend at the bar of the House to-morrow.

Mr. *Bernal* said, that the right hon. gentleman opposite seemed to think that one of the parties in this case had been guilty of a breach of privilege. Now, in that opinion, he could by no means agree; for not one word had been uttered in the lobby connected with the business on which the parties had been summoned as witnesses. He, therefore, called upon the right hon. gentleman, whose authority in such cases was certainly high, and whose memory no doubt was furnished with ample precedents, to point out any one case similar to that which was now before the House. He thought it would be a hard case if the House decided that Mr. French should be called to the bar and admonished.

Mr. Secretary *Peel* said, he had not enjoyed the advantage of hearing the examination of the witness at the bar; but, from what he had heard, it rather appeared to him that the evidence did not entirely support the allegations of the petition. It was certainly questionable whether the party who had petitioned the House had exercised a sound discretion in doing so; but he had done so, and had stated that he was insulted. After the evidence which had been given, he thought that a very slight notice on the part of the House would be sufficient; but he was of opinion that both parties should be called to the bar, and should be told that the House was a privileged place, and that those who were called there came to discharge a public duty—that they must do so quietly, and that while so engaged there must be an oblivion of personal quarrels. Had he been consulted he would not have advised the presentation of this petition; but as it had been presented, and as evidence had been examined, the House could not pass it by without notice. It should be recollected, that, on these election petitions, adverse parties were brought into immediate personal collision; and it was therefore necessary to impress upon them, that those who were not inclined to quarrel should have perfect personal protection, and that those who were should restrain themselves in that place, and decide their quarrels elsewhere. He was of opinion, that both parties should be called up. So far was he from thinking, that the proceedings at Bow-street made the interference of the House less necessary, that it rendered it more so; as the friends of the parties saw there was so much personal conflict, as to warrant their application to a magistrate for his interference.

Dr. *Phillimore* said, that the case appeared to be this,—two witnesses, both of whom had been summoned on an election committee, had had a quarrel, and one charged the other with a breach of privilege. Under all the circumstances, he conceived that the House would not be doing equal justice, if both parties were not ordered to attend.

Mr. Alderman *Waithman* considered the point upon which the attention of the House was employed as one of the most frivolous he had ever heard discussed. He would venture to say that there was hardly ever a committee, in reference to which some trifling squabble did not occur, which might not with as much reason be made the subject of an application for the interference of the House. The hon. member to whom the petition had been intrusted had done quite right in presenting it; but he was of opinion that there was nothing in it which called for any further step on the part of the House.

Sir *Robert Wilson* differed entirely from the worthy alderman, and conceived that his own arguments were sufficient to prove that it was incumbent on the House to

take the matter into consideration. It did not signify what were the characters or the station of the parties; nor was it material whether the act complained of received any palliation, as to its impropriety, from any antecedent aggression. It was the duty of the House to show to the public that every witness who came within the precincts of that House, in obedience to the orders of parliament, should be protected there as if he were in a sanctuary, without reference to any previous quarrels. He therefore considered the course recommended by the Secretary of State for the Home Department as in every respect the most advisable.

Mr. Martin French, and Mr. Thomas Lambert were ordered to attend the House to-morrow.

Penryn Election—Case of John Stanbury.] The *Speaker* begged leave to recall the attention of the House to an order made a few days back for the taking into custody John Stanbury, who was reported by the Penryn Election committee to have absented himself. It was directed, by order of the House, that he should be taken into custody, in consequence of his not having attended before the committee. The Speaker's warrant was accordingly issued for the purpose, and a messenger was deputed to carry it into execution; but the party having absconded, all his endeavours to discover and apprehend him were unsuccessful; and although he was a second time despatched from town on a similar mission, his efforts were attended with as little beneficial results as before. The usual course on such occasions was to have the messenger to the bar, that the House might hear from himself what steps he had taken for fulfilling the order of the House; and if it should then appear expedient to the House, to present an address to the Crown, praying his majesty to issue a proclamation, with a reward for the apprehension of the party.

The Serjeant-at-Arms was then called and received directions to order the messenger, John Wright, to appear at the bar of the House. The messenger having made his appearance, he was desired by the Speaker to state the course he had pursued for the apprehension of John Stanbury. He accordingly entered into a detail of his route from town to Exeter, to the house of Mr. Stanbury, where he was informed that that individual had not been at home for some time before. Having received intimation that the fugitive was concealed in a farm-house about five miles from Plymouth, he proceeded thither, and aided by four constables, searched the premises, but without obtaining any trace of the object of his search. He then proceeded to Tregony, and from thence to Truro, in both of which places he made diligent inquiries after Mr. Stanbury, but was unable to gain any intelligence of his retreat. He returned again to Exeter, and from thence came back to town; and having received directions to go a second time to Plymouth, he repaired thither, but with no better success than before; and he was obliged finally to return to town without having accomplished the object of his mission.

The *Speaker* asked if any member wished to put any question to the messenger; and no advantage being taken of the invitation, the messenger was permitted to withdraw.

Mr. *Wynn* then moved, "That it appears to this House, that John Stanbury has absconded, to avoid being taken into custody, pursuant to an order of the House." Also, "That a humble address be presented to his majesty, praying that he will be graciously pleased immediately to issue his royal proclamation, with such reward as his majesty shall think proper, for discovering, apprehending, and detaining the said John Stanbury."—Agreed to.

Shipping Interest.] Mr. Alderman *Waithman* said, that there was already before the House a petition from gentlemen connected with the Shipping Interests of the city of London. He held in his hand a petition of a similar nature, from a body of ship-owners in London, of equal respectability. The two bodies to whom he alluded were associated, and had appointed a committee; and although the petition he was about to present was not united with the preceding, it was of a precisely similar nature. The present petition was signed by more than two hundred and fifty persons. They represented the hardship of their case arising out of the laws recently passed by the House, and by which the House had removed certain restrictions upon foreign shipping which had proved an essential security to the British shipping interest. The petitioners stated, that it was now impossible for them to enter into competition with foreigners,

as they had to bear the disadvantage of from thirty to forty per cent in the prices of implements, wages, and almost all materials. The petitioners also state, that every other class of the community that had been willing to try the experiment of free trade upon the petitioners, had equally shrunk from allowing that experiment to be tried upon themselves. He did not pledge himself as to what he should do when the subject came before the House; but all the petitioners wished was, that their case should undergo an inquiry. For his part, he felt it impossible to put the petitioners upon a fair and proper footing, under the existing law, unless, by a reduction of taxes, and especially of those which operated to raise the price of provisions, they were placed in parallel circumstances with foreign competitors, and with other branches of English industry.

Ordered to lie on the table.

MUTINY AT BARRACKPORE.] Mr. *Hume* said, that in rising to submit to the House the question of which he had so long given notice, he felt it necessary to state, that whatever he should now do upon this subject would be done by him with the greatest reluctance. He would not have submitted this matter to their consideration, if he had not been fully convinced of its great importance as relating to our government in India, and to all our connections with the affairs of that country. The occurrence to which he was about to call the attention of the House took place in the early part of the month of November, 1824. When he mentioned that date, a question might naturally arise, why so great a delay had occurred in laying a subject of so much importance before parliament. Upon that point he should only state, that in the middle of the month of July, 1825, in the course of the session of that year, he had requested to know from the President of the Board of Control, whether the government of this country had received any information of the transactions which had taken place in India in the November preceding? The right hon. gentleman answered then in the negative; and gave the same answer up to the last week in the session, when it was too late to take any step on the subject. In the last session he had given two notices upon this subject; but by some of those chances which frequently occurred, he was twice prevented from making those notices the subjects of discussion; nor had he any opportunity whatever for so doing, until towards the close of the session, when the lateness of the period, together with the expected arrival of that officer, whose conduct was chiefly the subject of discussion, and whose presence in this country was desirable, that he might immediately meet the charge, had induced him to postpone his motion. When the present session arrived, he felt the most anxious wish to introduce the matter to the notice of the House; and he should certainly have done so before this time, but for the important subjects which had occupied so much of their attention. He felt that it was at any time a delicate matter to interfere on subjects relating to the army, perhaps more so on this than on many other occasions; but he felt it to be a positive duty for him now to take upon himself this task, and to bring under the notice of the House the proceedings of the executive in India, with regard to the management of the army. He acknowledged that he should not have been warranted in calling the attention of the House to the subject, but on account of its very great importance. He knew that, in all armies, as well at home as abroad, some instance of insubordination among some of the troops, might, at one time or other, be discovered. The degree of importance of any such instance of insubordination would vary according to time, place and circumstance; and some might be of a very trifling nature; but, in the East Indian army, where there were at least one hundred and twenty thousand native troops to twenty-five thousand British soldiers, any thing which affected it in such a manner, as to tend, in the slightest degree, to create a feeling of insubordination, must always be a matter of the highest importance. It should always be remembered that we held possession of India but by a very small numerical force, at least compared to the number of the natives employed in our service; and it should always be a matter to which our general officers and governors should devote their utmost care and attention, to uphold, as much as possible, the character of our officers and soldiers, not merely for their superiority of military skill, discipline, and courage, but for their moral conduct, in carrying on the government of that immense country.

Having made these general observations, he should now state the circumstances of that transaction on which he wished to take the opinion of the House. The governor-general of India had, in consequence of some manifestation of enmity on the part of a native prince, deemed it necessary to embark in hostilities against him. That resolution was taken in October, 1824, and in furtherance of it, some troops were sent towards the frontiers. Among these troops were the men composing a battalion of the 47th native regiment, who were marched from Futtaghur, which was about a thousand miles up the country, towards the eastern frontier. What he was now about to move, related to the order given them to march from Barrackpore, where they had assembled, towards the Burmese territory, and to their refusal to obey it; a refusal which, on account of the line of conduct that, he contended, had been improperly pursued by the commander-in-chief, led to the destruction of three or four hundred of their number in a very short space of time. There were two questions upon which he thought the House would require to be informed. In the first place, they would desire to obtain some knowledge as to what had been the causes, the existence of which had led to this insubordination and mutiny; and secondly, they would wish to know whether proper measures, such as were consistent with the maintenance of strict discipline, and at the same time with a spirit of humanity, had been employed to bring these mutineers back to their duty. When they were satisfied upon these two points they would be able to decide, whether the loss of life that had occurred had not been owing to the mischief of not properly carrying into effect those means that might have been resorted to for the purpose of restoring order without having recourse to bloodshed. There was no man who had been in India, that would not readily bear testimony to the general good conduct of the native troops—none that would not agree with him in saying, that whenever these native troops had been led into action by the side of our countrymen, they had manifested as much zeal and courage in the service as the British soldiers. He was positive that all who knew them would concur in the statement, that on all these occasions they had shewn the same zeal, alacrity, and bravery, and had displayed the same gallantry, that had so honourably distinguished our countrymen in the service there. At the same time, he was bound to acknowledge, that they had occasionally displayed acts of insubordination. That, however, ought not to be resorted to as an argument against them, any more than against the European troops, for the same thing had occurred in the European corps.

He should now proceed to consider the circumstances to which the mutiny of the native troops was to be attributed, repeating what he had before said, that their insubordination was no more a reproach to them than to our own troops, and that the corps of British and of native troops ought both to be placed on the same footing in that respect. If, as he had already asserted, the native troops were distinguished by general good conduct, and those who had served with them were prepared to bear testimony to their merit, he thought they would concur with him in saying, that the circumstances which had led to the mutiny of these troops must have been of a most extraordinary nature. The battalion of the 47th native regiment had but a short time before been brought down from the upper provinces, from Futtaghur, which was about a thousand miles up the country, and up to the time of their being assembled with the other troops at Barrackpore, he believed that no troops had shewn greater readiness or good will in the service. The service to which they were destined was certainly not one that was likely to create much enthusiasm. Some alarm had arisen throughout the country, not only from the proceedings that had taken place on the eastern frontier, but also from the fear that the native troops of Bengal had acquired religious prejudices that would prevent them from acting with their usual zeal and alacrity; and, indeed, that they would manifest a greater degree of unwillingness than on any other occasion to quit their own territory. That unwillingness might not only have been expected, but could have been easily accounted for, by a variety of circumstances. First of all, it was known that the troops which had preceded them had suffered great privations, that many had been disabled by sickness, and they naturally feared that they should suffer in the same manner; the more especially as they were in a state of destitution, as to many things that were absolutely necessary. In speaking thus

of these troops, he could not avoid drawing a contrast between the troops sent from the Bengal, and those sent from the Madras, establishment. The Madras troops were in a much better condition as to all necessary equipments. He, therefore, distinguished between these troops, as the two governments under which they acted had so differently provided for their wants. The Madras regiment came down to the military station fully equipped, and in a short time received directions to proceed, together with the Bengal troops, towards the eastern frontier, in order to enter upon the Burmese war. A short time previously to their being assembled for that purpose, about three hundred men had deserted from one corps, on account of their unwillingness to go upon such an expedition. Towards the latter part of the month of October, these troops received orders to march from Barrackpore. On the 22nd of that month a report was presented to colonel Cartwright, stating the impossibility of their moving forward, unless cattle, carriages, and other conveniences were afforded them for the conveyance of their baggage. He believed it would be found that this report had ultimately been forwarded by colonel Cartwright to the Presidency. The conveniences they required were such as the experience of former services had proved to be necessary; and the demand of the troops was not, therefore, to be wondered at. Whether that document had found its way to the commander-in-chief, and from him to the government, he was not able to say; and it was his wish, and indeed his object in the present motion, to ascertain that fact. All he knew was, that every day the anxiety of those native troops to obtain the necessary carriages became more earnest, and they urged that their demands should be granted without further delay. Their request was, in some measure no doubt, strengthened by the superior attention which they saw had been paid to the comfort of the Madras troops. These troops having been landed on the Bengal territory, had daily rations distributed to them, while the Bengal troops had none. The former, too, had great coats given them to protect them from the excessive rains, while none were allowed to the latter, who had to bear the same inclemencies of the weather; and this difference existed between the troops of the two Presidencies, although both were acting in the same service. Sir Thomas Monro, the president of the Madras establishment, had so well provided for the troops sent from his Presidency, that they formed a most striking contrast to the miserable condition of the Bengal troops. On no former occasion had men turned out in such numbers or in better condition. The Madras troops amounted to ten thousand, all of whom were volunteers; and the zeal, alacrity, and readiness they had manifested, were admirably supported by the very excellent arrangements of sir Thomas Monro. The battalion of native Bengal troops required additional *batta*, which, undoubtedly, would have created an additional expense to the government; but if that expense was necessary, the troops were justified in demanding it. They were told, however, that they could not have the cattle, nor the carriages they required. When that answer was given to the Hindoo troops, the reply they made was that which might naturally have been expected. They said, "if we are made *coolies* (that is beasts of burden), how can we fight? How can we be both *coolies* and soldiers. It has always been our pride to be soldiers, and we are willing to do our duty as soldiers, but we cannot use our arms, and carry burthens at the same time." Now, he could hardly think that the commander-in-chief was ignorant of these circumstances, as colonel Cartwright and general Dalzel had made the requisite statements to the Presidency. On the 30th of October, these native troops were told, that they could not have the cattle, and that march they must. Now he must observe, that this refusal did not at all accord with what had generally been the practice in that country, where it had always been the custom to obtain in such circumstances the assistance of the civil magistrate. These orders and that answer drove the men to insubordination, and the blame of creating that insubordination seemed to him not to rest with the men who committed it, so much as with the officers, who were, or ought to be, answerable for the complaints. The want of cattle at that time was so great, that from within fifty miles round, all the cattle had been pressed into the service of the government; and, at the very time that cattle were refused to the troops, there were no less than ten or fifteen thousand head of cattle at a place a short distance from Fort Wil-

liam, which was only twelve miles from the spot where they were required, and where they might have been applied to the necessary purposes of the government. Indeed, the government ultimately appeared to be satisfied that the demand which the men had made was reasonable, since they actually issued money to enable them to purchase or to hire cattle for their service. The manner in which that issue was made, or rather a statement which accompanied it, seemed to him to prove, in the clearest mannre, that the Commander-in-chief, sir Edward Paget, could not have informed the general government of the necessity of furnishing the troops with cattle, since their own order for the issue of money, which was dated on the 4th of November, distinctly stated, that as soon as they were informed of the necessity of furnishing cattle to the troops, they had issued money to the men for the purpose of procuring them. The issue of money, however, under the circumstances to which he had already alluded, was not the best course that could have been pursued; since, even if the sum issued had been four times as great as it was, the troops could not, without the assistance of the government, have procured the cattle they required. The issue of money, therefore, was but adding insult to the previous denial. On the Monday morning the troops declared, that unless the grievances of which they complained were redressed, they must decline to march, and they expected that justice would be done them. They demanded either to have the cattle furnished to them, or to have inquiry to ascertain how far their complaints were well grounded. He contended that troops had never before been ordered to march under such circumstances.

On the 1st of November, sir Edward Paget, the Commander-in-chief, thinking it necessary to put down at once any symptoms of insubordination, went down to Barrackpore, having previously ordered thither a large body of English and native troops, and several pieces of artillery. Now, he admitted, that whenever a corps was in a state of insubordination, their mutiny ought to be put down; and he did not quarrel with the measures that had been adopted for that purpose, but with the mode which had been pursued. The hon. member here produced a plan of the place, where the forty-seventh Native regiment had been assembled at Barrackpore, and by its aid described the manner in which they had been surrounded by the Body Guards, the Royals, and by his majesty's forty-seventh regiment, and entered into a detail of the circumstances under which the massacre took place. He then contended that, if sir Edward Paget had informed the mutinous troops of his determination to enforce obedience, and of the means he possessed to do so, they would instantly have obeyed him, and this dreadful destruction of life might have been avoided. These troops had only ten minutes given them to decide whether they would march or not; and then, without being informed of the force that could instantly be employed against them—without having shown the slightest disposition to resist—without having loaded one musket, they were treated in the severest manner, and were, at the end of the assigned time, shot down by a fire opened by the artillery, and supported by the Royals; and, when their battalion broke, they were charged by the cavalry. None of those means which common humanity would have dictated were employed. The men were kept in ignorance of the force under the command of sir Edward Paget. The troops under his orders and the artillery were kept in ambuscade, until the work of destruction began, when these unhappy persons were hunted down in such a manner, that not one of them was afterwards to be found. The loss on this occasion had been computed at four or five hundred men—some said six hundred; but he should be content to put it at the moderate estimate of three hundred men. There was a great deal of uncertainty regarding the details of this unhappy affair, because the press of India was shackled, and the only information that could be obtained was through the statements of private persons. The press of India, besides its general restraint, was in this instance put under a special interdiction. A circular was sent from the government to the papers, forbidding the mention of this circumstance until the official statement of it should have appeared. All the details, therefore, were suppressed; for no persons would dare to publish them, since they knew that such a publication would have been attended with the same punishment and the same ruin that had before been inflicted on others who had ventured to disobey such commands. From private information, however, there was sufficient evidence to shew

the real nature of the transaction.—The hon. member here referred to a letter which he stated to have been written by one field-officer to another. It was dated from Fort William, and spoke in strong terms of the melancholy occurrence which had then taken place. The writer, however, stated, that he was not present on the occasion of the firing on the native troops.—The men who fled to the river were sniped and shot in the water; and so indiscriminate was the slaughter, that he believed he was correct in stating, that a number of country people, in no way connected with the disturbance, were destroyed in the fury of the pursuit. Such had been the progress and result of this unfortunate mutiny. Courts martial were held first upon forty, who were found guilty, and six of whom were executed. On the 8th of November, twenty more were tried and convicted, four of whom were hanged; and on a subsequent day, forty-two men of the forty-seventh Native regiment were brought to trial; the charge was proved against them, and they were sentenced; but he did not believe that, in the whole, more than twelve of the mutineers had been hanged. They were hanged on the parade; and, what he believed had never occurred before, one of the offenders long remained exposed in chains, to keep up the memory of this melancholy affair, which the House was now told ought to be allowed to sleep without further disturbance. He thought he was warranted in asserting—whether by order of the government, or by the instrumentality of sir Edward Paget, he knew not—that to this moment the country was in ignorance of the real causes which had occasioned such disastrous consequences, excepting by means of private information. On the 4th November, a general order had been issued from Fort William, which stated that the mutiny could not have occurred without the previous knowledge of the native officers; it therefore directed that the forty-seventh regiment, including commissioned and non-commissioned officers, should be disgraced, and the officers discharged, and declared unworthy of the confidence of government. In the issuing of such a hasty order, culpability rested somewhere, and it was for the House to ascertain whether any and what portion of it was attributable to sir Edward Paget. The fact was, that the officers having failed in persuading the mutineers to abandon their design, had left them to their misguided judgments, and had notwithstanding been dismissed the service, and involved in indiscriminate disgrace.

Such had been the effect of this violent course upon the native army in India, that had not affairs taken a favourable turn both in the east and west of our possessions, the consequences might have been most fatal. If one point more than another demanded investigation, it was the reasons that could be assigned for this sweeping act of power, which confounded the innocent with the guilty. The loss of life, the squandering of human blood, was another question which he was satisfied the House would not be disposed to treat with indifference. He well knew that military law, to be efficient, must be arbitrary; but every man who wielded a power so enormous ought to be held responsible, and to be prepared with good reasons for its application on every occasion. He thought he was in a situation to establish, that the proceedings of sir Edward Paget had not met with the approbation of individuals in authority. Many of the officers and Brahmins would infinitely rather have been shot than condemned to labour in chains like ordinary felons. He was not aware whether any orders had been sent out to India to liberate them, and discharge them from a punishment so onerous and degrading.—He now begged to state why he thought that the Commander-in-chief was principally answerable for what had occurred. At first it had been his opinion that lord Amherst had given the orders; but a letter from captain Amherst, of which he had received a copy from India, went far to satisfy him that the Governor-general was not implicated. It stated, that the Report of the Commissioners of Inquiry had not been sent to England sooner, out of delicacy to sir Edward Paget. He (Mr. Hume) therefore concluded, that lord Amherst considered himself free from responsibility, and was unwilling to furnish evidence against the party who was really culpable. The Commission of Inquiry commenced its labours in November, and continued them until January; but the Report did not reach this country until the July following, seven or eight months after the period when information ought to have been obtained. In order to obtain the fullest and most accurate information regarding a transaction which had spread terror and

dismay through all India, that commission had been very properly appointed, consisting of a colonel and two lieutenant-colonels. One of his objects was, that their Report should be laid upon the table, in order that the House might be able to judge how far the corps had been driven to these acts of desperation by inattention or mismanagement. He wished to discover whether the mutiny was a wanton violation of the respect the soldier ought to pay to his allegiance; whether it was a voluntary act on the part of the troops; or whether they were, in fact, driven to it by the conduct of their superiors. The Report would also shew whether those conciliatory measures had been adopted in the first instance, in this case, which in many others had succeeded in allaying a spirit of disobedience, and in saving an effusion of blood. Had the same course been taken which was pursued in 1807, when a native regiment had been disarmed and sent down into the country, which was afterwards restored by general St. Leger to the service, and an opportunity thus afforded of distinguishing itself, perhaps the evils now so deeply to be deplored might have been avoided. If the men loudly complained, in God's name let some symptom be shewn of a disposition to inquire and redress. At Bhurtpore, not long since, the officer in command having heard of some discontents, plainly asked the men what they wanted; and he satisfied them immediately, by telling them, that the matter should be investigated, and a remedy, if required, applied. But, supposing the conduct of the corps had been as flagrant as that of a regiment at Ava, which fired upon its officers—justice was more easily satisfied; and, although the regiment was disgraced, it was afterwards, to a certain degree, brought back into the service. Some years ago, in this very metropolis, harmony had been restored by similar means of remonstrance and conciliation; and, if a similar course had been adopted at Barrackpore, the result might have been far different, and less distressing.

He had stated fairly and candidly what impression had been produced on his own mind by these events; and if the fault lay not with the Governor-general in council, but with the commander-in-chief, sir E. Paget, who, with the best disposition and intentions, might have been misled, it was fit that he should sustain the responsibility. The evidence with which he had been furnished, had produced a strong impression upon his mind, that the official information he required was necessary for the purpose of placing the Bengal government and sir Edward Paget in that situation of commanding respect, which both ought to occupy, for the general advantage and security of our Indian empire. True it was that not one of the innocent men, if they were innocent, could be recovered: life had been destroyed and could not be restored; but to shew the natives of India that there was a disposition on the part of the government at home to inquire, and redress, as far as redress was possible, would have the effect not only of conciliating, but of securing even confidence and affection.—One word as to the objection which would probably be urged to his motion, and he had done. He begged to recall the recollection of the House to what had passed in it on the discussion of the freedom of the press in India. The advocates of its liberty were then told, that a free press in India might do harm to an extent that was beyond calculation; but that, while the press was unshackled in England, the whole object would be answered, and inquiries could not be stopped into the conduct of any government in India which had afforded just ground of complaint. This reasoning would strongly apply to the case now before the House. In this country discussion was unfettered, and he hoped that parliament would not refuse to interfere, whether the parties requiring its interposition were Christians, Mussulmen or Hindoos, and whether they were the subjects of the Crown on our own shores, or separated by half the globe. He would move "That there be laid before the House, a Copy of the Report from sir Edward Paget, the Commander-in-chief, to the Governor General in Council at Calcutta, respecting the Mutiny at Barrackpore, and the measures adopted to suppress it."

Mr. *Wynn* said, he felt bound to do justice to the moderation of the statement of the hon. member, although he held it inconsistent with the good of the service, and with the prosperity of our government in India, to grant the documents required. The hon. gentleman had introduced no inflammatory matter, and no needless exaggerations; and if he was inaccurate in some of the details he had presented to the House, no blame for mis-information

could fairly be imputed to him. All that had been advanced might be separated into three questions. First, whether every thing reasonable had been done by the Indian government and by the commander-in-chief, to supply the men with necessary comforts? Secondly, whether proper steps had been taken for the supression of the mutiny, and whether there had not been a needless effusion of blood? And Thirdly, whether it had been fit to commute the sentences of many, and to employ them in irons upon the public roads? As to the origin of the mutiny among the native troops, he believed that it originated very much in a persuasion, that the Burmese possessed more than mortal power, and that they dealt in magic and enchantment, and that the industrious circulation of this notion promoted the calamity. The right hon. gentleman then adverted to the circumstances attending the order for embarkation, and stated that 4,000*l.* had been advanced to each regiment, for the purchase of animals to carry the baggage. It was a fact which he had mentioned to the hon. member for Aberdeen, but of which he had taken no notice, that a hundred bullocks, or ten bullocks to each company, were actually in the line of the refractory regiment for this purpose. If he were asked, at what time these animals were furnished, he should reply, that it was certainly before the order for embarkation. But the main ground on which the hon. gentleman seemed to rely was, that proper measures had not been taken to suppress the turbulent spirit of the native troops—that the officers ought to have gone among the men, in order to inquire into their grievances; and his position was, that if an investigation had been promised, no mutiny would have occurred, Was the hon. gentleman ignorant that that very course had been pursued? Did he not know, that the very day before the mutiny the men were called upon to send two soldiers from each company to state their grounds of complaint, and that a court of inquiry was ordered? It was asked, how could the rest of the men be assured that their two comrades would be sent back? The answer was, that colonel Cartwright himself had offered to remain a hostage for their safe return. All these means had been taken; but the men refused to state their reasons. The complaint was not, in truth, the want of cattle, but that the men knew that it was intended to embark them, whether they were or were not willing to go; that promotions in the regiment had not been regularly conducted, and that old officers had been superseded. The demands were, that they should either receive double pay or be allowed to depart to their homes, and that the Zemindar and Hamildar should be given up to them to be put to death. The hon. gentleman had said, that the mutiny was one of the mildest character; that the men refused to march, and that was all: but was he not aware that the men had carried off their colours by violence: that the twenty-sixth regiment presented their bayonets at the breast of major-general Dalzel; that they had forced their officers off the parade; and that they were afterwards joined by detachments from other regiments? Could such a state of things be allowed to continue with any thing like security? The hon. gentleman was ready to allow, that the commander-in-chief had acted with that promptitude, zeal, and activity, which had always distinguished him, and had collected a very superior force in an incredibly short time; but he contended, that this force had not been displayed to the disaffected in due time. Now, he was prepared to show, that every means had been used to convince the men that they had no chance of success. Colonel Stuart, commanding one of the regiments, had gone among the men the night before, and represented to them how vain would be their efforts against a force so superior. Some of the delegates were also purposely carried through the lines, in order to convince them that they would not be able to accomplish any thing by resistance. It ought to be recollected, that there existed a general disinclination to the war; and if such a mutiny was allowed to continue, he would not say for days, but for hours, the consequences might have been dangerous to our empire in India. As to the conduct of sir Edward Paget on this anxious and perilous occasion, he would only refer the House to a case which came before lord Mansfield, where the question was, whether a captain in the navy, during a storm, was justified in abandoning his ship. Sir Charles Douglas, an officer of the most distinguished bravery, was asked by the judge, if he would have acted like the captain; and the reply was, that if called upon to decide on a calm day in the sun-shine, he should say no; but if placed in the same

circumstances, in the midst of the war of the elements, his determination might have been to have forsaken the vessel. So in the case of sir Edward Paget: it was easy at a distance to assert that he had been hasty and cruel, but the true mode of judging was, to suppose oneself on the spot in the midst of the terrors of a mutiny. The great responsibility which attached to the commander-in-chief at the moment of the mutiny, ought never to be lost sight of; for if this mutiny had not been suppressed with promptitude and decision, it might have extended to other regiments, and then he would have been responsible to the country for the consequences. With regard to the circumstances, it was, among other facts which he had mentioned, clearly established, that the adjutant-general had gone among the men, and endeavoured, by every means in his power, to persuade them to return to their duty; and having failed, he certainly did inform them, that they were to be allowed only ten minutes' time for deliberation. It was after that time had elapsed that the necessity of employing actual force to quell the mutiny became apparent. The artillery opened upon them; and this was the instrument which of all others was the most proper for the occasion, and that which would produce the least portion of slaughter and bloodshed. With regard to the statement, that the mutineers had made no efforts to resist, the hon. member had been very much misinformed. The hon. member had said, that they had not fired a shot; but the truth was, that they had fired several shots at the royals, who were in the rear. The mutineers had, indeed, evinced, from the beginning, an unequivocal determination to resist, when they drove their principal officers from their quarters, and committed other acts of insubordination. The hon. member had also been misinformed as to the time employed in following the fugitives. To be sure, it was not possible to stop all at once the career of a regiment actually engaged in hostility, in the same manner as if it were at a review; but, from the most authentic accounts that could be collected, it appeared that, after the lapse of half an hour from the commencement of the attack, not a shot had been fired. The hon. member had also been misinformed as to the numbers which had been killed during the attack. Some exaggerated accounts had stated it at three hundred; but upon the most correct inquiries, it could not be found to amount to more than one hundred and sixty to a hundred and eighty. With regard to the report of the committee of inquiry, he could not, for various reasons, not altogether connected with the mutiny, agree that it should at present be laid on the table of the House. That inquiry related to a great number of general matters connected with the state of the Indian native army, the constitution of that army, and a variety of other matters which it would at present be inexpedient to make public. Besides, it was material to state, that various measures had been already adopted, founded on that report—such as regulations with respect to carriages, and other articles to be supplied to the regiments. Several other measures, founded on that report, were still under consideration; and it was obviously inexpedient, in the meantime, to publish the report, lest it should excite expectations that might not be realized. Then, with respect to those who had been tried after the mutiny had been quelled, the number did not exceed a hundred and forty: and by whom had they been tried? By a court-martial of native officers: a hundred and forty were tried in this manner, and a hundred and forty had been convicted; and of these only twelve had been executed. When the magnitude of this mutiny was considered—when it was considered, that it took place at head-quarters, and in the immediate vicinity of the governor-general's residence; that three regiments were concerned in it; that the principal mutineers had driven away their officers, and showed every determination to resist, which resistance had only been prevented by the judicious choice of the artillery as the chief engine for quelling the mutiny—it could not surely be thought a very severe proceeding, when only twelve were afterwards executed. The rest had been sent to work in irons on the roads. This was not at all an unusual punishment in India; and even under the mild administration of the marquis of Hastings, it had been inflicted, in the ordinary course of justice, upon persons of high caste. But, on account of the good conduct of the sepoys at Arracan, it was resolved by the Indian government, that a general amnesty should be granted. Orders to that effect had, indeed, been sent out from the authorities at home; but the Indian government had anticipated them, and had granted the

indemnity before the orders arrived in India. With respect to the native officers of the 47th Native Infantry, it was quite impossible that they could be ignorant of the proceedings of the men; more especially as they must have held meetings, not only among themselves, but in conjunction with the men of two other regiments; and there must have been, therefore, on their part, a great degree of criminal connivance. The officers must have known of these meetings; and if they did, it was their duty to have prevented them: if they did not know of them, that fact was a proof of a considerable degree of culpable negligence; and, therefore, whether they did know or did not know of these meetings, it was quite certain that they were not fit for their situations. Then the hon. member had adverted to the order sent to the newspapers, prohibiting the publication of the transactions at Barrackpore, and blamed that order. Now, he confidently asserted, that the order in question was highly proper; for every one knew what a tendency to misrepresentation and exaggeration existed in these cases, more especially in India, and what calamitous results might have been the consequence. It was, therefore, a most proper precaution to prevent such accounts from extending to other regiments, until it should be known, at the same time, that the mutineers had been punished. He trusted he had now explained these transactions to the satisfaction of the House; and as to whatever stain might have attached to the native troops on account of this unfortunate occurrence, it had been completely removed by the excellent conduct of the sepoys, both in the west and the east; and the native troops themselves were completely satisfied on the subject. This was evident, from the cheerfulness with which they had entered into new terms of engagement with the government, and had volunteered to serve beyond seas as in Bengal. Every complaint that could be reasonably made by the native troops had been attended to; and, upon the whole, as the present case was intimately connected with the discipline of the army, it was but reasonable to expect that a considerable degree of confidence should be reposed in the Indian government. The Report of the Committee of Inquiry could not at present, with advantage, be produced and made public. The examination of the officers had taken place with closed doors; and it would be unfair to them at once to publish their evidence. As to the other papers to be called for by the hon. member, such as the general orders, the numbers tried and convicted, and such matters, it was quite unnecessary to produce them, as they had been all published in the newspapers, and were already known.

Sir *Charles Forbes* maintained, that the Report of the Committee of Inquiry ought to be produced, if it were only for the purpose of supporting the case which the right hon. gentleman seemed to suppose he had so triumphantly made out. Its publication was due also to sir Edward Paget, and to the European officers. It was due besides to the native officers who had been dismissed the service without a Court-martial, or any inquiry—a proceeding which would not have been adopted with respect to European officers. It was most unjust to have one law for the natives, and another for the Europeans. The same rule ought to be adopted for all. It was necessary to have the Report on the table, that every one might be able to satisfy himself where the blame rested; especially after a transaction of such a horrible nature, that nothing like it had before occurred in the British dominions, either at home or abroad. There was nothing in this case but what usually occurred among the native troops; who never scrupled to complain when they thought themselves ill-used, and even to mutiny until their grievances were redressed. Certain regiments had before so far mutinied, even in the face of an army; and sometimes whole armies had mutinied on the same grounds. The mutiny of the army of Scindea was an example. He did not mean to justify such things; they would be done among the native troops; but they did not require this mode of punishment; and, in point of fact, neither this nor any other example of the kind would prevent such things occurring among those troops. There was only one way to prevent mutiny among the native troops—and that way was, to do them justice, and to use them well. Treat them in this manner, and they would submit to the greatest privations and hardships, and might form an example to other troops. They had been sometimes in arrears of pay for eight, twelve, even eighteen months; having nothing but a bare subsistence. But they did not complain, and rested satisfied with the assurance of their

officers, that their arrears would be paid up as soon as possible. These troops—he spoke chiefly of the Bombay and Madras troops—might form an example to other troops. He observed some members, who he supposed were young military officers, smiling at this. But he repeated, that these gentlemen might acquire some instruction by going to India, and observing the conduct of the native troops; and he would recommend to them to consult the present illustrious commander-in-chief, and learn from him what he thought of the Indian native troops. Among the many unfortunate persons who fell victims, one was massacred under peculiarly affecting circumstances. Two Europeans were seen by an officer taking aim at an unfortunate creature who had taken shelter in a tree. The man called out to the Europeans not to fire; one of them, nevertheless, did fire, and the poor wretch fell from the tree, calling out for mercy in the Hindostanee language, and stating that he was not a sepoy, but the governor-general's gardener. He put it to the House, whether, if a Coroner's inquest had inquired into such a transaction, they could have returned any other verdict than one of wilful murder? In fact, men, women, and children, were indiscriminately sacrificed. Under such circumstances, it was not surprising that the feeling between the Europeans and the natives was now very different from what it had formerly been. The kind feeling entertained by the natives towards Europeans was strikingly exemplified, during the siege of Arcot; when there was a scarcity of provisions, and the native troops willingly conceded their portion of rice to the Europeans, who were accustomed, as they declared, to more solid diet than themselves. There were many instances of mutiny in India which had been quelled without bloodshed. In the former siege of Bhurtpore, two of the king's regiments refused to march to a breach. They declared that the breach was not practicable; "make a hole for us," was the language held by these regiments, "and we will march." On that occasion two Bengal regiments, and one Bombay native regiment, volunteered to undertake the service refused by the European regiments. "Come, my lads," said the colonel of the Bombay regiment, "if the Europeans will not go, let us try." These gallant sepoys marched three times to the breach, and were three times repulsed from it. The offending European troops were subsequently ordered by colonel Dickinson to be surrounded by native troops, and to ground their arms. The mutinous troops were embarked for Europe, without a single man being tried, or a single drop of European blood being spilt. European blood was too valuable in India to be wantonly spilt: they could not afford to massacre Europeans as they massacred the native Indians. If we wished to preserve our empire in India, we must establish it in the affections of the people; for it would be impossible to maintain it through their fears. In the mutiny of the officers at Madras, one of the most alarming mutinies that had ever occurred in India, no blood was shed, and not a single officer was dismissed without a Court-martial. He trusted the House would see the propriety, the necessity, and the humanity of having the documents laid before them, which could alone elucidate the facts connected with the unfortunate affair at Barrackpore. If there were but one other member in that House ready to vote with him, he should not be ashamed to vote in such a minority. Notwithstanding all that had been said of the danger likely to result from agitating this question, he should never cease, as long as he had a seat in that House, to bring under its notice, session after session, the massacre at Barrackpore. In his opinion, his majesty's ministers were bound to agree to the motion, both in justice to the natives of India, and in justice to the noble lord at the head of the government in India.

Mr. *Wynn* in explanation, said, that the letter alluded to by the hon. member was a private letter to lord Amherst from captain Amherst, an amiable young man, acting at the time under the influence of warm and excited feelings; but in no part of the correspondence of lord Amherst with this country, was there any expression of censure upon the conduct of the commander-in-chief.

Mr. *Hart Davis* said, he must, upon the authority of a letter received from a relative in India, deny the assertion made by an hon. member, that the artillery was brought unawares upon the mutineers. The fact was, that the tents of the mutineers were close to the cannon; that they were aware of the intention of the officer in command to make use of the artillery; and that, notwithstanding their being aware of such intention, they actually

drove back at the point of the bayonet the officers, who had made an attempt to remonstrate with them upon their conduct. He wished to know, now that the transaction was almost forgotten in India, what good could be produced by having all the circumstances ripped up by a parliamentary inquiry? He must also say, that the number killed upon that occasion was very much exaggerated. Those persons whose duty it was to make returns of the numbers killed, and whose interest it was to make out as large a return as possible, because they were paid for burying the mutineers at so much per head, had never stated the number killed at more than one hundred and eighty. With respect to the alleged misunderstanding between the governor-general and the commander-in-chief of the army in India, he would say, that it was utterly unfounded. He was warranted in making this statement, by the letter to which he had alluded—a letter which was one strictly of a private nature, and never intended by the writer to be made public, but which he had felt it his duty to transmit. to lord Liverpool, who had by his permission, shewn it to his grace, the commander-in-chief. [The hon. member here read extracts from the letter, giving a detail of the operations of the army employed in the Burmese war, and stating that lord Amherst and the commander-in-chief were on the best terms, and that the harmony which subsisted between them had never been interrupted, even for a single hour]. He trusted that the hon. member for Montrose would state whether he had seen the letter to which he had alluded, and whether it bore the signature of captain Amherst.

Mr. *Hume* answered in the affirmative.

Mr. *Hart Davis*.—Even taking the sentiments in that letter to be as stated by the hon. member, was it fair towards the commander-in-chief, or towards the writer of the letter, who, under the excitement of heated feelings, had, in a letter strictly private, expressed his opinions, to bring them forward in a public discussion? Would it be fair towards any man, to bring forward upon a motion attaching censure to him, the opinions expressed by other persons, in a confidential communication? He should be glad to know, what would be the feelings of the hon. member for Montrose, if such a course were pursued upon a motion made with respect to the Greek war [cheers]. Would that hon. member think it fair, that, upon such a motion, the opinions of other persons as to his financial care of the interests of the people whom he had taken under his protection, should be pressed into the discussion? He mentioned this to shew that persons who lived in glass houses should not be the first to throw stones [cheers]. He was induced to make those observations, from his anxiety to rescue the character of a gallant officer from the imputations which had been most unjustly cast upon him.

Colonel *Davies* said, the hon. member who spoke last, had alluded to the proverb, "that those who lived in glass houses ought not to throw stones." He would leave the House to appreciate the good feeling and good taste of such an allusion. He would not himself give any opinion on the subject, much less would he, in imitation of the hon. member, bring before the House the misfortunes — for he could call them nothing but misfortunes—which befel the hon. member himself some years ago. If he followed that hon. member's example, he could mention transactions, connected with the hon. member's name, which would bring a blush of shame on that hon. member's cheeks [cheers and murmurs].

Mr. *Hart Davis* rose instantly. "I call upon the gallant colonel," said he, "to explain what he means. He may say what he pleases..or defy him."

The *Speak.* only onhat he never interfered with me oldiers haurs of the Hoies, without great pen and chim not witlling some doubt as ere sacrificed what b doing, he migh*ford*, when he he.. C some he was that hin really doubting whether good, exceptms which had been so much lutely necesnat evening, did or did not often kept mutiny, begged to observe, that best proof ved a letter from a brother officer of observiho was present at the scene, and the Hous only described it as a mutiny, veniencered that sir E. Paget had—by deviatiorarance in the beginning, and his the misnation at the conclusion, of those constations—as much entitled himself to tent waise of having saved his country, so The her eastern dominion was concerned, fail rd St. Vincent had done, by his adpre ble conduct in the mutiny off Cadiz, dispreserving to Great Britain the allegiinge of her navy. This officer had written m

upon that matter might be intended to be personal to the feelings of another hon. member, was not exactly the question; because the hon. member could not be surprised if they were, at all events, taken to be so; and, being so taken, they could hardly fail to produce retorts. He hoped that what he had felt it his duty to say, would convince hon. members of the inconvenience attending any deviation, however slight, from the rules of the House; and that the hon. gentleman who was about to resume the debate, would confine himself exclusively to the question.

Colonel *Davies* resumed. Certainly, he said, when he rose to speak, he was labouring under feelings which were painful to utter; but he believed the great body of the House would concur with him, that his feelings were such as ought to animate every man who had a heart. The gallant member then referred to the details of the melancholy transaction which they were discussing. He was the last person who would impute cruelty to the gallant general who commanded. He believed him to be a brave, honourable, and humane man: but he contended, nevertheless, that the production of the papers was necessary to the vindication of sir E. Paget's character; and to shew where the guilt really lay.

Sir *H. Vivian* expressed not only his regret at the occurrence of so many mutinies in India, within the last twenty years, but his conviction of the necessity of putting an end to them by suc[illegible] measure as that adopted by sir Ed[illegible] siege o[illegible]t. He had th[illegible]wn and scarcity of prov[illegible] gallant friend nat[illegible] years: [illegible] willingly conce[illegible]n the same tion [illegible]ut a[illegible]ce to the European[illegible] with him; accustomed, as they declared [illegible]unities of solid diet than th[illegible]. [illegible]sposition. many instances of mutin[illegible] In[illegible]er issued had been quelled without [illegible] loss they the former siege of Bhurtpore [illegible] brightest king's regiments refused to [illegible]ish soldier breach. They declared that [illegible]osom did was not practicable; "make [illegible]n in that us," was the language held by t[illegible]ssure the ments, "and we will march." [illegible] in the occasion two Bengal regiments, [illegible]cessary Bombay native regiment, volunte[illegible] gallant undertake the service refused [illegible] part European regiments. "Come, my [illegible]ands," said the colonel of the Bombay regi[illegible] all "if the Europeans will not go, let us [illegible] so These gallant sepoys marched three t[illegible]all to the breach, and were three times [illegible]y occurrence. An offer was made to the mutineers before the officers left the regiment, to lay their complaints before a tribunal, which was about to be convened, and even the commander-in-chief's plate was offered to them as a hostage, to assure them of the sincerity of the intended offer; and the officers who went to propose a submission the following day were turned back at the point of the bayonet. How, then, could his gallant friend yield to them under such circumstances? A concession to their insolent claims would have subverted all discipline in India, and shaken the very foundation of the British power. Nor was this the only mutiny in India in which lives had been lost. In the mutiny at Vellore, in which the sepoys fired on the European troops in a barrack yard, and which was ultimately suppressed by the gallantry of general Gillespie, who broke open the gates, and rescued the King's troops from destruction, there were no less than six hundred lives lost. The sacrifice of lives in the late affair at Barrackpore was imperatively called for; and it was but just that they with whom the insurrection had originated should be made to pay the penalties. The mutineers were, he would admit, soon broken and dispersed; but even after that some of them meditated resistance, and actually fired on the Royals. Was it not impossible to restrain the fury of soldiers, against even a national enemy, when broken? As to the Report of the Committee of Inquiry, nothing could give the family of his gallant friend more pleasure than the production of it. He was convinced that his gallant friend had done no more than was necessary to uphold the discipline of the army, and the authority of the British government in India.

Mr. *Money* admitted that more lives were lost than was necessary, but it was natural that soldiers, irritated and let loose on their opponents, should commit excesses that humanity must deplore. As to the effects of the example made on that occasion they were most beneficial; as appeared from the present superior discipline of the Bengal army. The hon. member said, he should oppose the production of the report.

General *Duff* spoke with great warmth against the motion. The hon. gentleman who had brought it forward, had, he said, undertaken to treat of a subject which he did not understand. He might be very good

authority on a question of physic; and he wished that the hon. gentleman would for the future confine himself to such subjects as he really did know [a laugh]. His speech on this occasion was, to use a parliamentary expression, frivolous and vexatious; for his part, if he had been in sir Edward Paget's place, he would have done the same; and he would do so a hundred times, if it was necessary.

Mr. *Maberly* was not of opinion that the conduct of sir E. Paget was blameable; but it was equally clear that there was something connected with this mutiny which the public were not to see. The Sepoys complained of grievances, which had since been admitted and redressed. It was evidently necessary that some substantial remedy should be applied, to prevent the recurrence of an event which might lead to the loss of our vast empire in the east.

Sir *Joseph Yorke* said, he had heard several, but not all of the speeches which had been delivered, on this occasion, and among others, that of the hon. baronet (sir C. Forbes) whose speech seemed to comprise all the observations that had fallen from all the East India proprietors during the last twenty years. He had also heard the very temperate and conciliatory remarks of the Chair, in its endeavour to produce a better understanding between two hon. members; but he certainly had not heard any attack attempted on the character of sir E. Paget, although he had heard it vindicated, as if some hostile animadversions had been made upon it. The fact was, that sir E. Paget, in the extraordinary situation in which he found himself, had but done that, which every brave and humane man, in the capacity of commander-in-chief, would have done under similar circumstances. He had, undoubtedly, acquitted himself in an honourable, a just and a gallant manner. But the question before the House was, whether these papers should or should not be granted? All agreed that sir Edward had not proceeded to extremities, until that course could be no longer avoided. But, in answer to this demand for the papers necessary to put parliament in possession of the history of this unfortunate transaction, he had heard one of his majesty's ministers affirm, that their production would be exceedingly inconvenient; and if it rested on that right hon. gentleman's own responsibility, he would give this assertion so much credit, as to take the matter for granted. But when it was added, that the granting of these papers would implicate too many persons in India, he could not help asking, what sort of hold must our's upon India be, if gentlemen were to be met, on calling for inquiry into the causes of any great disaster, with exclamations of alarm, and his majesty's government were the first persons to cry, "Hush, for God's sake, not a word on that subject!" It had been admitted, that one cause of the disaffection exhibited by the sepoys was, their destination at the time; for it was conceded on all hands, that the Burmese war was exceedingly disrelished in that part of the country and by the native troops. If the fact was so, it exceedingly behoved those gentlemen, who were most connected with the government of India, to keep those boundaries, for the future, which good policy and equity alike prescribed to them, as the proper limits of their eastern possessions. If they should exceed those limits, he for one hoped to see the day when the government of such noble territories would be taken out of the hands of those who, at present, wielded it in Leadenhall-street; and placed in hands to which it should long since have been made over—the hands of his majesty's government.

Mr. *Forbes* considered that the papers called for were absolutely requisite, to shew whether a case of sufficient necessity really did arise, for the dreadful massacre in which, not only one hundred and sixty of the native soldiers had lost their lives, but many women and children, residing in their huts, were sacrificed also.

Sir *J. Beresford*, when he heard some hon. gentlemen really doubting whether the transactions which had been so much referred to that evening, did or did not amount to a mutiny, begged to observe, that he had received a letter from a brother officer of rank, who was present at the scene, and who not only described it as a mutiny, but declared that sir E. Paget had—by his forbearance in the beginning, and his determination at the conclusion, of those transactions—as much entitled himself to the praise of having saved his country, so far as her eastern dominion was concerned, as lord St. Vincent had done, by his admirable conduct in the mutiny off Cadiz, in preserving to Great Britain the allegiance of her navy. This officer had written

home, that sir Edward merited the thanks, not only of India, but of the whole British empire; and he particularly extolled the good feeling manifested by this distinguished commander, in going before the troops, in front of their line, under arms, and asking them with the utmost earnestness and anxiety, to return to their obedience. When, he at length found that his remonstrances were vain, he performed the sad duty which remained to him, like a man, whose determination was equal to his humanity.

Mr. *Hume*, in reply, contended, that the right hon. gentleman himself, with a degree of candour for which he was bound to thank him, had, in fact, admitted the whole of the case, with one or two exceptions that were of little moment; for he admitted, that the evils complained of by the native troops, as to the deficiency of beasts, and other means of transport and accommodation, had existed, and that they had since been remedied. He was very glad to hear this assurance; but the admission with which it was coupled sanctioned the principle of the motion now before the House. In stating the loss of human life, however, on this melancholy occasion, at only one hundred and sixty, the right hon. gentleman greatly underrated the extent of the calamity, for he did not include the one hundred and fifty natives who perished in their attempt to escape over the river, and were shot at like so many wild fowl. As to those who had been described as the great fomenters of the discontents, and the necessity of whose removal had been, in some sort, made the excuse for the attack upon the sepoys, it was notorious that they lived in line with the rest of the native troops; and might, at any moment, have been all of them seized and executed, if their destruction was thought essential to the preservation of our influence and power in India. But our own troops and officers had, by their acts, increased the discontent and resentment of the sepoys; who did, however, manifest, in return for what they felt as insults and injuries, the most extraordinary forbearance. Among other instances of this forbearance on their part, was the case of colonel Dalzel. That officer, who did not understand a word of Hindostanee, in the irritation of the moment, reviled and abused them, and addressed to them epithets, which among our own soldiers and sailors would be received as the most degrading terms of reproach. For instance, he "God damned their eyes," and every thing else. He pulled off his coat, tore open his waistcoat, and, baring his bosom, bad them shoot him, and otherwise deported himself in such a manner, as to make the sepoys think him of unsound mind. The hon. gentleman concluded by disclaiming the notion of intending any personal disrespect to sir Edward Paget by this motion; and animadverted on the utter irrelevancy of all the eulogies which had been passed on that eminent officer, to the objects of the present motion.

The House divided: For the motion 44; Against it 176: Majority against the motion 132.

List of the Minority.

Althorp, lord	Lamb, hon. G.
Baring, W. B.	Lombe, E.
Bernard, Ralph	Lumley, J. S.
Brougham, Jas.	Lushington, Dr.
Buxton, T. Fowell	Maberly, J.
Cradock, col.	Maberly, W. L.
Dawson, Alex.	Monck, J. B.
Dundas, hon. T.	Nugent, lord
Dundas, hon. sir R.	Ponsonby, hon.
Dundas, hon. G. L.	Rowley, sir W.
Easthope, J.	Smith, John
Forbes, sir C.	Stewart, John
Forbes, J.	Sykes, D.
Gordon, R.	Taylor, M. A.
Grattan, H.	Tennyson, C.
Grattan, J.	Warburton, H.
Harvey, D. W.	Webbe, col.
Heathcote, R. E.	Wells, John
Hobhouse, J. C.	Western, C. C.
Honywood, W. P.	Wood, ald.
Hutchinson, H. (Cork)	TELLERS.
Jephson, C. D.	Davies, col.
King, hon. R.	Hume, Joseph

GRANT TO THE DUKE AND DUC[illegible] OF CLARENCE.] On the order of the day, for the third reading of the Duke and Duchess of Clarence's Annuity Bill,

Mr. *Hume* said, he could not allow this bill to pass without again raising his voice against it, and declaring the grant to be a profligate waste of the public money, and that it placed his royal highness in a most degrading situation. However, he would not press the question to a division, as he had on a former occasion experienced its inutility.

Mr. *D. W. Harvey* said, that he had divided against this grant on every occasion, but not on either of the grounds which had been advanced by his honourable friends. Those who might be termed the

party tacticians on his side, opposed the grant, not because it was too large, but because the duke of Clarence was not the heir apparent to the throne. Now, when he looked at the proximity of that illustrious individual to the throne, and that it was scarcely possible that any child of the present king would interpose, he thought the objection on that ground untenable and ungracious. If the duke of Clarence would really be intitled to it, were he actually the heir apparent, for one he should say, let him have it, although in law he was only heir presumptive. Nor could he oppose it on account of the peculiar distress of the country, for he did not believe that the people of England would derive any comfort for their own wretchedness, by stripping the Crown of its due splendor. But he opposed it on the broad principle, that the general financial affairs of this country required a speedy, sincere, and effectual supervision, with a view to a real and unsparing system of retrenchment and economy. And where, he would ask, could the House begin this good work so effectually, not only as being an expensive part of our establishment, but still more from the value of the example, as with the Civil List? For one, he liked to begin in high places, and he despised the contemptible policy of lopping off a few pence from unpatronised clerks, leaving the over-grown, over-fed, and over-paid consumers of the public money to remain unmolested. The same motives which had influenced him in opposing any additional grant to the duke of Clarence, would cheerfully induce him to cut down very considerably the incomes now allotted to the other branches of the royal family.

Mr. *Pallmer* supported the bill. He thought it must be satisfactory to those who supported the grant to know that the illustrious personages who were the o[illegible]iects of it, exhibited a pattern of do[illegible]stic virt[illegible] ant[illegible] hospitality.

[illegible]rd. *R*[illegible]ouse [illegible], he was so averse [illegible] the sense the bill, it did not take from the grace of the measure thus to persist in opposition to a measure which, however objectionable, was not so important as to require an hostility so persevering. If his noble friend determined to divide the House, he should decline voting with him.

Lord *Rancliffe* expressed his disinclination to trouble the House unnecessarily, or to do any thing that might be considered ungracious. He would therefore not press his opposition to the measure to a division.

The bill was then read a third time and passed.

SALMON FISHERIES BILL.] Mr. *Kennedy* moved for leave to bring in a bill to regulate the Salmon Fisheries of the United Kingdom. He proposed to allow ample time for filling up the blanks; so that all parties likely to be interested in, or affected by, the bill, might be in possession of its details.

Mr. *Warburton* said, that a former report on this subject had assigned, as one of the causes of the diminution in the breed of fish, that the rivers of England were fished too hard; and it was suggested, that water-bailiffs should be appointed for their better superintendence and protection. Now, to him it appeared, that a much more eligible mode might be hit upon for increasing the supply of this fish, than the adoption of any new system of Game-laws, as he was tempted to call this proposal. Fresh salmon, under the existing law, was a prohibited article. Perhaps the gentlemen of Scotland who possessed salmon wears and fisheries could explain how this had happened. Turbot and lobsters might be freely imported; but not so salmon. Now, when his hon. friend's bill should be brought in, he meant to contend for a free trade in salmon.

Sir *R. Fergusson* was convinced that his hon. friend could not have read the bill; the object of which was, to open the salmon fishery of this country, which, by the present law, was closed. The aim of his hon. friend's bill was to increase the [illegible]ed by diminishing the period within [w]hich salmon might be taken.

Mr. *G. Lamb* hoped that sufficient time would be allowed to transmit copies of the bill to all the proprietors of these fisheries [illegible] the United Kingdom. The [r]eport he had read; and he ap-

prehended that some knowledge of natural history would be indispensable to the due discussion of the present bill. How far the hon. gentlemen who might form the committee upon it would be prepared with this species of information, he could not anticipate; but he well remembered, that his impression was, upon perusing the report in question, which entered very largely into all the details of the breeding, habits, and peculiarities of the salmon, that the gentlemen by whom it was prepared must have passed a considerable time themselves in the society of that fish.

Mr. *Home Drummond* had no objection to the bill being introduced, but he begged to forewarn the hon. member for Ayr, that, if his information as to the nature of some of its clauses was correct, the measure would be considered, by the owners of salmon wears in Scotland, as a mere attempt to take money out of the pockets of one set of proprietors, in order to deposit it in the pockets of another set.

Leave was given to bring in the bill.

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